

SENATE.

SATURDAY, February 18, 1911.

The Chaplain, Rev. Ulysses G. B. Pierce, D. D., offered the following prayer:

Eternal God, our heavenly Father, with whom do live the spirits of them that depart hence and with whom the souls of the faithful evermore dwell, to Thee alone can we turn in this hour of sorrow and of loss. Thy compassions have been ever of old, and because Thy faithfulness changeth not, therefore are we not cast down. As Thou dost call us to this day of memory, when not as we would but as we are able we speak forth the praise of Thy servants, help us, we pray Thee, by the light of their lives to be faithful in duty, loyal to the service of our country, and obedient to the heavenly vision, because of those who walk no more with us on earth.

And unto Thee, who art the light of them that sit in darkness and who dost comfort all that mourn, giving beauty for ashes, the oil of joy for mourning, and the garment of praise for the spirit of heaviness, will we ascribe praise now and for evermore. Amen.

The Secretary proceeded to read the Journal of yesterday's proceedings.

Mr. BROWN. I ask that the further reading of the Journal be dispensed with.

Mr. KEAN. Let the Journal be read.

The VICE PRESIDENT. Objection is made.

The Secretary resumed the reading of the Journal.

Mr. BORAH. I ask unanimous consent that the further reading of the Journal may be dispensed with.

Mr. KEAN. Let it be continued.

The VICE PRESIDENT. The Senator from New Jersey objects. The Secretary will continue the reading of the Journal.

The Secretary resumed the reading of the Journal.

Mr. DIXON. I renew the request that the further reading of the Journal be dispensed with.

Mr. KEAN. I withdraw any further objection. I have heard what I wanted to hear read.

There being no objection, the further reading of the Journal was dispensed with, and it was approved.

THE FIVE CIVILIZED TRIBES.

The VICE PRESIDENT laid before the Senate a communication from the Secretary of the Interior, transmitting, in response to a resolution of the 9th ultimo, a letter from the Commissioner of the Five Civilized Tribes relative to the cost of closing up the affairs of the Five Civilized Tribes, etc. (S. Doc. No. 825), which, with the accompanying papers, was referred to the Committee on the Five Civilized Tribes and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by W. J. Browning, its Chief Clerk, announced that the House had agreed to the amendments of the Senate to the following bills:

H. R. 8699. An act authorizing the Secretary of War to recognize William Mitchell, deceased, as having been a member of Company C, First Regiment Tennessee Volunteer Mounted Infantry, Civil War; and

H. R. 26722. An act for the relief of Horace P. Rugg.

PETITIONS AND MEMORIALS.

The VICE PRESIDENT presented a joint resolution of the Legislature of the State of Wisconsin, which was referred to the Committee on Finance and ordered to be printed in the RECORD, as follows:

Joint resolution 62a.

Joint resolution relating to urging Congress to pass the bill abolishing the use of phosphor in manufacturing matches.

Whereas there is now before Congress a bill introduced by the Hon. JOHN J. ESCH, known as bill No. 30022; and

Whereas this bill will abolish the use of phosphor in the manufacturing of matches, thereby doing away with the loathsome occupational disease known as phossy jaw: Therefore be it

Resolved by the assembly (the senate concurring), To urge Congress to pass this bill before the close of its present session; and further

Resolved, That the secretary of state be instructed to forward to each of the Wisconsin Congressmen a copy of this resolution immediately after its passage.

C. A. INGRAM,
Speaker of the Assembly.
THOMAS MORRIS,
President of the Senate.
C. E. SHAFFER,
Chief Clerk of the Assembly.
F. M. WYLIE,
Chief Clerk of the Senate.

STATE OF WISCONSIN,
DEPARTMENT OF STATE.

To all to whom these presents shall come:

I, J. A. Frear, secretary of state of the State of Wisconsin and keeper of the great seal thereof, do hereby certify that the annexed copy of joint resolution No. 62a has been compared by me with the original printed joint resolution on file in this department, and that the same is a true copy thereof and of the whole of such original printed joint resolution.

In testimony whereof I have hereunto set my hand and affixed the great seal of the State at the capitol, in the city of Madison, this 16th day of February, A. D. 1911.

[SEAL.]

J. A. FREAR, Secretary of State.

The VICE PRESIDENT presented a joint resolution of the Legislature of the State of Wisconsin, which was ordered to lie on the table and to be printed in the RECORD, as follows:

Joint resolution 7a.

Joint resolution requesting the Members of the United States Senate and of the House of Representatives from Wisconsin to vote for and use every effort to bring about the adoption of a joint resolution proposing an amendment to the Federal Constitution providing that United States Senators shall be elected by the people of the several States.

Whereas the following joint resolution proposing an amendment to the Federal Constitution providing that United States Senators shall be elected by the people of the several States has been introduced in the United States Senate:

"Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That in lieu of the first paragraph of section 3 of Article I of the Constitution of the United States, and in lieu of so much of paragraph 2 of the same section as relates to the filling of vacancies, and in lieu of all of paragraph 1 of section 4 of said Article I, in so far as the same relates to any authority in Congress to make or alter regulations as to the times or manner of holding elections for Senators, the following be proposed as an amendment to the Constitution, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the States:

"The Senate of the United States shall be composed of two Senators from each State, elected by the people thereof, for six years, and each Senator shall have one vote. The electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislatures.

"The times, places, and manner of holding elections for Senators shall be as prescribed in each State by the legislature thereof.

"When vacancies happen in the representation of any State in the Senate the executive authority of such State shall issue writs of election to fill such vacancies: Provided, That the legislature of any State may empower the executive thereof to make temporary appointments until the people fill the vacancies by election, as the legislature may direct.

"This amendment shall not be so construed as to affect the election or term of any Senator chosen before it becomes valid as part of the Constitution." and

Whereas it is fitting that the State of Wisconsin, a leader in the enactment of progressive legislation, should through its Senators and Representatives in Congress aid to the utmost in furthering the popular election of United States Senators: Therefore be it

Resolved by the assembly (the senate concurring), That the Members of the United States Senate and of the House of Representatives from the State of Wisconsin be requested to support a measure substantially in accord with the provisions of the resolutions hereinbefore recited.

Resolved further, That copies of this resolution be at once forwarded to the United States Senators and Members of Congress from the State of Wisconsin.

C. A. INGRAM,
Speaker of the Assembly.
JOHN J. BLAINE,
Acting President of the Senate.
C. E. SHAFFER,
Chief Clerk of the Assembly.
F. M. WYLIE,
Chief Clerk of the Senate.

STATE OF WISCONSIN,
DEPARTMENT OF STATE.

To all to whom these presents shall come:

I, J. A. Frear, secretary of state of the State of Wisconsin and keeper of the great seal thereof, do hereby certify that the annexed copy of joint resolution No. 7a has been compared by me with the original printed joint resolution on file in this department, and that the same is a true copy thereof and of the whole of such original printed joint resolution.

In testimony whereof I have hereunto set my hand and affixed the great seal of the State at the capitol, in the city of Madison, this 16th day of February, A. D. 1911.

[SEAL.]

J. A. FREAR, Secretary of State.

The VICE PRESIDENT presented a joint resolution of the Legislature of the State of Wisconsin, which was referred to the Committee on Fisheries and ordered to be printed in the RECORD, as follows:

Joint resolution 57a.

Joint resolution relating to an interstate conference on fish-and-game laws, their enforcement, and the adjustment of conflicting provisions.

Whereas uniformity of the fish-and-game laws in the North Central States would be beneficial and mutual cooperation in their enforcement desirable: Be it

Resolved by the assembly (the senate concurring), That the Legislature of the State of Michigan, the Legislature of the State of Indiana, the Legislature of the State of Illinois, the Legislature of the State of Iowa, the Legislature of the State of Minnesota, the Legislature of the State of North Dakota, and the Legislature of the State of South Dakota be requested to send a committee of not less than three nor more than five members of the legislature of each such State to meet with a like committee of the Legislature of the State of Wisconsin at the capitol, in the city of Madison, in said State of Wisconsin, on the 21st day

of February to confer upon legislation relating to fish and game, to consider the means of enforcement of such laws, and also to adjust any interstate questions in relation thereto between any of the States so represented.

Resolved, That a copy of this joint resolution be forwarded to the governor and the legislature of each of said States and to the governor of the State of Wisconsin.

C. A. INGRAM,
Speaker of the Assembly.
JOHN J. BLAINE,
Acting President of the Senate.
C. E. SHAFFER,
Chief Clerk of the Assembly.
F. M. WYLLIE,
Chief Clerk of the Senate.

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STATE OF WISCONSIN,
DEPARTMENT OF STATE.

To all to whom these presents shall come:

I, J. A. Frear, secretary of state of the State of Wisconsin and keeper of the great seal thereof, do hereby certify that the annexed copy of joint resolution No. 57a has been compared by me with the original printed joint resolution on file in this department, and that the same is a true copy thereof and of the whole of such original printed joint resolution.

In testimony whereof I have hereunto set my hand and affixed the great seal of the State at the capitol, in the city of Madison, this 16th day of February, A. D. 1911.

[SEAL.]

J. A. FREAR, Secretary of State.

The VICE PRESIDENT presented a petition of the Kavanaugh Knitting Co., of Waterford, N. Y., praying for the passage of the so-called Scott antiopion bill, relative to dealing in cotton futures, which was ordered to lie on the table.

He also presented a petition of the secretary of the Butter and Egg Board of Chicago, Ill., praying for the ratification of the proposed reciprocal agreement between the United States and Canada, which was referred to the Committee on Finance.

He also presented a petition of Adam Jenkins, commander of Greenville Post, Department of Mississippi, Grand Army of the Republic, of Greenville, Miss., and the petition of Amos L. Griffith, of Pell City, Ala., praying for the passage of the so-called old-age pension bill, which were ordered to lie on the table.

Mr. PERKINS. I present a telegram transmitting a joint resolution of the Legislature of the State of California, which I ask may be printed in the RECORD and referred to the Committee on Commerce.

There being no objection, the telegram was referred to the Committee on Commerce and ordered to be printed in the RECORD, as follows:

SACRAMENTO, CAL., February 17, 1911.

HON. GEORGE C. PERKINS,
United States Senate, Washington, D. C.

SIR: I am directed to transmit the following joint resolutions adopted unanimously in a case of urgency this 17th day of February, 1911, by both houses of the legislature:

Introduced by Leroy A. Wright, senate joint resolution No. 20, relative to the protection of the water supply of the Imperial Valley and the action of the United States Government and the Mexican Government in relation thereto:

"Whereas the United States Government heretofore authorized the putting in of a weir in the Colorado River to aid in the diversion of water into the intake of the canal which supplies water to the Imperial Valley, situated in Imperial County in this State; and

"Whereas we are informed that the War Department has ordered the removal of this weir on 12 hours' notice; and

"Whereas we are informed such removal will endanger the water supply to 250,000 acres of land within the county of Imperial in this State, all of which is entirely dependent upon irrigation; and

"Whereas the canal by which water is delivered for irrigation purposes in the Imperial Valley traverses during a part of its course a portion of Lower California, in the Republic of Mexico; and

"Whereas heading known as 'Sharps Heading' is located within the said Mexican territory, the destruction of which would entirely cut off all water supply from the Imperial Valley; and

"Whereas there exists at the present time a serious condition of disorder in said territory of Lower California, and particularly in the immediate vicinity of the said canal and said heading: Now therefore be it

Resolved, That the senate and assembly of this State jointly urge upon the Federal Government the necessity of delay in the removal of the said weir in the Colorado River until proper investigation can be made as to the effect of such action upon the said Imperial Valley; and be it

Further resolved, That the Federal Government be requested to take such steps within its power as are necessary to the protection of the water supply of the Imperial Valley and the said Sharps Heading and the said canal within the territory of Mexico, and to guarantee a permanent delivery to said territory; and be it

Further resolved, That a copy of these resolutions be transmitted immediately by telegraph to the President of the United States, the Secretary of War, and the Senators and Representatives in Congress from this State, and that said Senators and Representatives be instructed to use their best efforts to insure the protection of the people of Imperial County, in this State, and to prevent the irreparable injury which would result to them should their water supply be interfered with or cut off, either by reason of the action of the Federal Government, in taking out the weir referred to, or by reason of the disturbance existing within the territory of Lower California."

WALTER N. FARRISH,
Secretary of Senate.

Mr. PERKINS presented a petition of the Fruit Growers' Association of California, praying for the ratification of the proposed reciprocal agreement between the United States and Canada, which was referred to the Committee on Finance.

He also presented a memorial of the Stationary Fireman Union, No. 86, of San Francisco, Cal., remonstrating against the ratification of the proposed reciprocal agreement between the United States and Canada, which was referred to the Committee on Finance.

He also presented a memorial of Typographical Union No. 21, of San Francisco, Cal., remonstrating against the enactment of legislation to prohibit the printing of certain matter on stamped envelopes, which was ordered to lie on the table.

He also presented a petition of the Valley Development Association, of Sacramento, Cal., praying that an increase be made in the rate of postage on periodicals and magazines, which was ordered to lie on the table.

He also presented memorials of the Typographical Union of Pasadena, the Typographical Union of San Diego, the Typographical Union of Los Angeles, and the Typographical Union of San Francisco, all in the State of California, remonstrating against any increase in the rate of postage on second-class mail matter, which were referred to the Committee on Post Offices and Post Roads.

Mr. HEYBURN. I present a joint memorial of the Legislature of the State of Idaho, relative to the transfer of 1,000,000 acres of public land to that State for the purpose of creating a fund for establishing and maintaining good roads in the State of Idaho. I ask that the joint memorial be printed in the RECORD and referred to the Committee on Public Lands.

There being no objection, the joint memorial was referred to the Committee on Public Lands and ordered to be printed in the RECORD, as follows:

Senate joint memorial No. 3.

Good-roads memorial, memorializing the Congress of the United States to transfer 1,000,000 acres of the public land now held by the United States within the boundaries of the State of Idaho to this State for the purpose of creating a fund for establishing and maintaining good roads in the said State of Idaho.

Be it resolved by the senate of the State of Idaho (the house concurring), That the Congress of the United States be memorialized as follows:

Whereas good roads are one of the great first needs of every State, and also one of the surest means of aiding the material prosperity and advancing the settlement thereof, this being especially true in Idaho, where the country is not thickly populated, and where the means of communication between the several parts of the State are not numerous: Now therefore be it

Resolved, That the Congress of the United States is hereby requested to transfer 1,000,000 acres of the public land now held by the United States within the boundaries of the State of Idaho to this State for the purpose of creating a fund to be used by the State of Idaho solely for the establishment and maintenance in good repair of the system of public roads within its borders.

Be it further resolved, That a certified copy of this memorial be sent to each of the Members of the congressional delegation from this State in Congress with a request that they employ their best efforts to secure action in the premises.

The above senate joint memorial No. 3 passed the senate on the 6th day of February, 1911.

L. H. SWEETSER,
President of the Senate.

The above senate joint memorial No. 3 passed the house of representatives on the 11th day of February, 1911.

CHARLES D. STOREY,
Speaker of the House of Representatives.

I hereby certify that the above senate joint memorial No. 3 originated in the senate during the eleventh session of the Legislature of the State of Idaho.

CHAS. W. DEMPSTER,
Secretary of the Senate.

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STATE OF IDAHO,
DEPARTMENT OF STATE.

I, Wilfred L. Gifford, secretary of state of the State of Idaho, do hereby certify that the annexed is a full, true, and complete transcript of senate joint memorial No. 3, by Macbeth—good roads memorial—relating to the transfer of 1,000,000 acres of the public land now held by the United States to this State for the purpose of creating a fund for establishing and maintaining good roads in the State of Idaho (passed the senate February 6, 1911; passed the house February 11, 1911), which was filed in this office the 14th day of February, A. D. 1911, and admitted to record.

In testimony whereof I have hereunto set my hand and affixed the great seal of the State.

Done at Boise City, the capital of Idaho, this 14th day of February, in the year of our Lord 1911, and of the independence of the United States of America the one hundred and thirty-fifth.

[SEAL.]

WILFRED L. GIFFORD, Secretary of State.

Mr. HEYBURN presented a telegram, in the nature of a memorial, signed by A. S. Lion and George Seivers, of Moscow, Idaho, members of the Farmers' Educational and Cooperative Union of America, remonstrating against the ratification of the proposed reciprocal agreement between the United States and Canada, which was referred to the Committee on Finance.

He also presented a petition of sundry settlers upon the ceded portion of the Coeur d'Alene Indian Reservation, State of Idaho, praying that an appropriation be made to compensate the Indians for the land and that the settlers be relieved from paying more than ordinary filing fees, which was referred to the Committee on Indian Affairs.

Mr. WARREN. I present a memorial of the Cattle and Horse Growers' Association of Laramie County, Wyo., which I ask may be printed in the RECORD and referred to the Committee on Finance.

There being no objection, the memorial was referred to the Committee on Finance and ordered to be printed in the RECORD, as follows:

LARAMIE COUNTY CATTLE AND HORSE GROWERS' ASSOCIATION,
Underwood, Wyo., February 14, 1911.

Senator F. E. WARREN, Washington, D. C.

DEAR SENATOR: I note the President has sent to Congress a reciprocity treaty with Canada for its indorsement, which, on the face of it, seems to be free trade in the matter of meat products and wool. On behalf of the members of this association and the stockmen in general in Wyoming, I sincerely trust you will do all in your power against this treaty. From a cattleman's standpoint, this simply looks like a wedge to bring into the United States free cattle and free meat, not only from Canada, but from Mexico and the South American countries. I understand on good authority that the packing interests and all stockyard interests are in favor of this move. If the President and the Congress wish to put us out of the beef-raising industry entirely, this is surely the move to do it with. If the packers are short of meat in their coolers, it will be a simple matter for them to order up a large consignment from their South American plants or Canada, and they will then be in a position to say to the producers in the United States, "We have all the meat we require, and if we purchase yours it must be at a greatly reduced price." At the same time I have my serious doubts as to whether the packers will lower the price of meat one cent to the consumers. I am firmly of the opinion that if the President and Congress wish reciprocity that they should begin with it at home, as they say about charity. The Government has taken the duty off hides and all brands of shoes and all leather goods have advanced—even after we proved before the committees of Congress that the evidence of the hide and leather people all tended to show that no reductions could possibly be made. They have torn down the fences of the cattleman and destroyed his business. If Congress will take the reports of the Government cattle inspectors, they will find that there has been a heavier movement of cattle to the markets this year than in any two previous ones. In Laramie County alone I think, without any doubt, the Government has done \$500,000 worth of damage to the cattle raisers. Congress says, and the President upholds it, that no laboring man shall work over 8 hours a day, but they compel a cattleman to work now 16 hours a day, and every day in the year. If they want to have reciprocity, why not give it to the raisers of meat products in our own country? We need an opportunity to lease or buy our grazing lands in order that we may put our business on a systematic and legal basis. If Congress will do that, I will venture the assertion that in a short period of time we will be raising all the meat products and wool that we require, and not at an exorbitant price to the consumer either. If I had the time I would show you where men who have spent a score of years trying to build up a perfect herd of cattle have been compelled to sell the achievements of these years of toil in one month because the Government thought they knew more about the cattle business than the producer. There is about as much judgment displayed toward the producers of meat to-day as I would show if I would walk down a crowded street and throw away a pocketful of twenty-dollar gold pieces and not expect someone to get hurt trying to pick them up. The producers are very much discouraged at this time. Free trade with Canada will simply tend to send the herds of the majority of producers to the markets next fall. They will not reenter the breeding industry.

I think Congress should leave this matter alone until the Tariff Board can look into the cost of raising meat products in this country and report its decision back to Congress. In the meantime Congress should do all in its power to encourage the raising of meat products in our own country. We have millions of acres here in the West that would double their capacity if handled right. I sincerely trust that Congress will look at this in the right way and protect the meat producers.

Very respectfully,

J. C. UNDERWOOD, Secretary.

Mr. WARREN. I present a memorial of the American National Live Stock Association, which I ask may be printed in the RECORD and referred to the Committee on Finance.

There being no objection, the memorial was referred to the Committee on Finance and ordered to be printed in the RECORD, as follows:

DENVER, COLO., February 13, 1911.

A PROTEST AGAINST THE PROPOSED CANADIAN TREATY.

To the President and Congress of the United States:

At the fourteenth annual convention of the American National Live Stock Association, held at Fort Worth, Tex., January 10, 11, and 12, 1911, the following resolutions were unanimously adopted:

"URGING THE RETENTION OF DUTIES ON LIVE STOCK AND ITS PRODUCTS.

"Whereas live stock and its products—wool and hides, and meat and meat-food products—should in justice receive the same measure of protection as is accorded to the products of other industries of the United States in the form of import duties, whether levied as a protective tariff or as a tariff for revenue, or on any other basis; and

"Whereas we believe it to be the sentiment of the live-stock producing interest of the United States that live stock and its products should receive an equal and equitable share in whatever benefit may flow from any system of import duties equally with other products and industries; and

"Whereas it is unjust to not only the live-stock interest of this country, but, as we believe, to the interest of the United States generally, to place live stock or any of its products upon the free list: Now, therefore, be it

"Resolved by the American National Live Stock Association in convention assembled at Fort Worth, Tex., January 12, 1911:

"1. That we favor equal, fair, and just import duties upon live stock and its products.

"2. That we condemn as unjust, unfair, and discriminatory the action of Congress in the Payne-Aldrich bill in placing hides on the free list.

"3. That we are unalterably opposed to placing live stock and its products upon the free list.

"CONDEMNING THE PAYNE TARIFF BILL AND INDORSING THE CREATION OF A PERMANENT NONPARTISAN TARIFF COMMISSION.

"Whereas we believe that the tariff law recently enacted, known as the Payne bill, unfairly distributes the advantages and impositions of the protective tariff system; that the inequalities of its various schedules result in grants of favor and exemptions designed to create monopolies in certain branches of large manufacturing interests, enabling them to control prices on many necessary articles to the consequent great detriment of the producing and consuming classes, who are least able to bear such discriminations; that in the light of past experience in the revision of the tariff it is plain that a just and equitable tariff can only be secured through the medium of a permanent nonpartisan tariff commission, instructed to ascertain and publish in great detail all the facts surrounding every schedule, and submit its recommendations to Congress: Now, therefore, be it

"Resolved by the American National Live Stock Association, at Fort Worth, Tex., January 12, 1911, That we express our disapproval of the new tariff law because of its unfair discriminations in favor of eastern manufacturing interests and against the producers and consumers of both the East and West; and be it further

"Resolved, That we recommend the creation by act of Congress of a permanent nonpartisan tariff commission and a further revision of the present tariff at the earliest practicable time along equitable and scientific lines; and be it further

"Resolved, That the secretary be instructed to forward a copy of this resolution to the President of the United States and to all Members of Congress."

The Canadian tariff agreement, now being considered by Congress, provides for the free admission into the United States of cattle, horses and mules, swine, sheep, lambs, and all other live stock imported from Canada, and the free admission into Canada of live stock exported from the United States. The present duty on cattle imported into the United States is: "Cattle, if less than 1 year old, \$2 per head; all other cattle, if valued at not more than \$14 per head, \$3.75 per head; if valued at more than \$14 per head, 27½ per cent ad valorem." On sheep, swine, horses, and mules our present import duties are approximately the same. On fresh meats from Canada to the United States, or vice versa, the duty to be imposed by each country, according to the proposed agreement, is fixed at 1½ cents per pound. The present duty on imported fresh meats into this country is 1½ cents per pound, a reduction of only one-fourth of a cent per pound.

The carcass of an average beef steer weighs about 600 pounds, and on that basis the proposed duty on such a fresh-meat carcass from Canada would be \$7.50, or five to six times the total cost of all the labor involved in the slaughter of a beef steer.

Thus by the proposed treaty the labor of the farmer and ranchman in producing a beef steer receives no protection, the labor of the slaughterer receives a protection of five or six times the total cost of slaughter, while the consumer gets only a reduction of one-fourth of a cent per pound, if any. The farmer and ranchman is shorn of all the benefits he might receive under the present duty, and the consumer profits only a fractional part of the benefit taken away from the producer.

The present 25 cents a bushel duty on wheat imported into this country is removed by the proposed Canadian treaty, but a duty of 50 cents per barrel on flour is retained, which is many times the total cost of all the labor employed in making a barrel of flour out of wheat. Where will the consumer profit by the proposed treaty with a 50 cents per barrel duty on flour?

The entire treaty is tinctured with other equally glaring inconsistencies, preferences, and discriminations, and well illustrates the method by which the manufacturing trusts and middlemen are nourished under the guise of protecting the difference between the cost of labor in this country as compared with the cost in other countries. The advocates of this Canadian treaty claim it will reduce the cost of living. The analysis of its terms as applied to live stock and wheat, two important staples of life, utterly fails to disclose the slightest foundation for such claims. In these two cases it simply transfers to the middleman practically the entire benefit resulting from the placing of live stock and other agricultural products on the free list, and gives him a greater advantage than enjoyed under the present tariff law.

Our country has been a large exporter of live stock and agricultural products for many years and, consequently, the import duties levied by this country on those commodities have in the past meant nothing; have been paper duties—a sop to the farmer. Now that the time seems to be approaching when such duties might mean something to the farmer the attempt is made, as in this treaty, to entirely remove them.

This association has stood for many years for fair and equitable reciprocal trade agreements with other countries, whereby all the interests of this Nation (the producer, consumer, the manufacturer, and the middlemen) will surrender some favors or benefits of the tariff system in exchange for mutual advantages to be secured from other nations. That is our position to-day. The proposed Canadian treaty unfairly distributes all its burdens on the producers of this country and all its benefits on the middlemen and manufacturers. It is not real reciprocity, in the general acceptance of that term; it is plain discrimination, a specious kind of special legislation; another increase in the unnecessary and unjust advantages now enjoyed by the manufacturers of the East and other special interests; truly a step backward, instead of forward, in the settlement of the tariff question.

Commercially, racially, and in the character of resources, Canada and the United States are alike, and there should be no prohibitive tariff wall between them. This association heartily approves of a fair, equitable trade arrangement with Canada, and the live-stock industry is willing to stand its share of any concessions toward that end. Such an arrangement, however, should include every commodity likely to be interchanged between these two nations, so closely related. It is not fair or right to single out the producing industry of the United States to make a grand sacrifice in favor of other interests. We have waited long for a fair trade agreement with Canada and we can well afford to wait a little while longer, until the question is settled right. So long as the present system of import duties, either for protection or revenue, is continued in effect, the live-stock industry demands the same equality of treatment as is accorded to any other industry. If duties are levied for the protection of any labor, then the labor engaged in live-stock or agricultural pursuits should receive an equitable share of such protection.

The American National Live Stock Association, representing and speaking for the live-stock interests generally, therefore vigorously protests against the proposed treaty with Canada, and urges that

Congress instruct the tariff board, or some other arm of the Government, to negotiate as speedily as possible a treaty with Canada, covering substantial reductions in the duties on all the commodities interchanged between this country and Canada, and that the just interests of all the citizens of this Nation, whether producers, consumers, or middlemen, be given equal and fair consideration.

Respectfully submitted.

AMERICAN NATIONAL LIVE STOCK ASSOCIATION,
MURDO MACKENZIE, *President*,
T. W. TOMLINSON, *Secretary*.

Mr. WARREN. I present a memorial of the Wyoming State Legislature, which I ask may be printed in the RECORD and referred to the Committee on Pensions.

There being no objection, the memorial was referred to the Committee on Pensions and ordered to be printed in the RECORD, as follows:

Senate joint memorial 2.

Memorial to the Senate and House of Representatives of the United States of America in Congress assembled.

Be it resolved by the senate of the State of Wyoming (the house of representatives concurring):

Your memorialists, the Eleventh Legislature of the State of Wyoming, do ask and request the passage of the bill giving to the survivors of the soldiers who served the United States of America 90 days or more in actual service in the Indian wars from 1865 to 1883 the same pensions as the veterans of the Civil War and those of the Spanish War are now so justly receiving.

Many of those who participated in these struggles of more hardships than ordinarily endured on the field of battle in protecting our frontier from savage foes have passed away, and their survivors are now in need of protection from want in their old age, and it is clearly the duty of this great Government, without exception, to protect and make enduring the lives of those who came to the rescue of settlers and their families, and thus made possible the civilization and growth of the Great Plains and the Rocky Mountain region, and to give them a serene old age, freed from poverty or the bitter bread of dependence.

Approved February 14, 1911.

STATE OF WYOMING,
OFFICE OF THE SECRETARY OF STATE.

UNITED STATES OF AMERICA, *State of Wyoming*, ss:

I, Frank L. Houx, secretary of state of the State of Wyoming, do hereby certify that the annexed copy of senate joint memorial No. 2 has been carefully compared with the original filed in this office on February 14, and is a full, true, and correct copy of the same and of the whole thereof.

In testimony whereof I have hereunto set my hand and affixed the great seal of the State of Wyoming.

Done at Cheyenne, the capital, this 14th day of February, A. D. 1911.

[SEAL.]

FRANK L. HOUX,
Secretary of State,
By C. M. MACGLASTIAN,
Deputy.

Mr. WARREN. I present a joint memorial of the Legislature of the State of Wyoming, which I ask may be printed in the RECORD and referred to the Committee on Public Lands.

There being no objection, the joint memorial was referred to the Committee on Public Lands and ordered to be printed in the RECORD, as follows:

Senate joint memorial 1.

Memorializing the Congress of the United States to grant to the State of Wyoming 2,000,000 acres of the public lands for the purpose of creating a fund for the establishing and maintaining of public roads in the State of Wyoming.

Be it resolved by the senate of the State of Wyoming (the house of representatives concurring): That the Congress of the United States be memorialized as follows:

Whereas the State of Wyoming is not thickly populated and the means of communication between the several parts of the State not numerous, and the establishment of intercounty roads from border to border of the State will be one of the surest means of aiding the material prosperity and advancing the settlement of the State; and

Whereas the State of Wyoming did not receive grants of land in proportion to those received by other adjoining States on their admission; and

Whereas the State of Wyoming did not receive grants of land in an amount necessary for the support and maintenance of its institutions in comparison with the lands granted other States: Now, therefore, be it

Resolved, That the Congress of the United States be requested to enact legislation granting to the State of Wyoming 2,000,000 acres of the public lands within the boundaries of the said State for the purpose of creating a fund, to be secured through the leasing of the said lands or from the revenue secured from the investment of the proceeds of the sale of said lands at not less than \$10 per acre, the said fund to be used solely for the establishment and maintenance and good repair of a system of public roads within the State of Wyoming. Be it further

Resolved, That a certified copy of this memorial be sent to each of the members of the congressional delegation from the State in Congress, with a request that they employ their best efforts to secure action in the premises.

Approved, February 14, 1911.

STATE OF WYOMING,
OFFICE OF THE SECRETARY OF STATE.

UNITED STATES OF AMERICA, *State of Wyoming*, ss:

I, Frank L. Houx, secretary of state of the State of Wyoming, do hereby certify that the annexed has been carefully compared with the original senate joint memorial No. 1, filed in this office on the 14th day of February, A. D. 1911, and is a full, true, and correct copy of the same and of the whole thereof.

In testimony whereof I have hereunto set my hand and affixed the great seal of the State of Wyoming.

Done at Cheyenne, the capital, this 14th day of February, A. D. 1911.

[SEAL.]

FRANK L. HOUX,
Secretary of State,
By C. B. MACGLASHAN,
Deputy.

Mr. WARREN presented memorials of the Board of Trade of Carthage, N. Y., and of sundry farmers of the United States, remonstrating against the ratification of the proposed reciprocal agreement between the United States and Canada, which were referred to the Committee on Finance.

He also presented a memorial of the American News Co. of New York, remonstrating against any increase in the rate of postage on periodicals and magazines, which was ordered to lie on the table.

Mr. DILLINGHAM presented a petition of Lincoln Council, No. 4, Junior Order United American Mechanics, of Windsor, Vt., praying for the enactment of legislation to further restrict immigration, which was referred to the Committee on Immigration.

He also presented memorials of Local Grange No. 295, of Northfield; of Local Grange No. 237, of Waterbury Center; of Local Grange No. 319, of Clebe Mountain; of Local Grange No. 416, of Newark; of Tyler Branch Grange, No. 336, of West Endsbury; of Mill River Grange, No. 430, of East Wallingford; of Victory Grange, No. 164, of Wilmington; of Florona Grange, of Monkton; and of Local Grange No. 312, of East Montpelier, all of the Patrons of Husbandry, in the State of Vermont, remonstrating against the ratification of the proposed reciprocal agreement between the United States and Canada, which were referred to the Committee on Finance.

Mr. WETMORE presented a petition of the Grand Council of the Royal Arcanum of the State of Rhode Island, praying for the enactment of legislation authorizing the admission of publications of fraternal societies to the mails as second-class matter, which was referred to the Committee on Post Offices and Post Roads.

He also presented the memorial of Thomas F. Murray and sundry other members of the legislative committee of Newport Lodge, No. 119, International Association of Machinists, of Rhode Island, remonstrating against the elimination of the eight-hour provision from the naval appropriation bill, and the provision that battleships shall be built at Government navy yards, which was referred to the Committee on Naval Affairs.

Mr. CULLOM presented petitions of Washington Camp No. 9, Patriotic Order Sons of America, of Chicago, and of Fort River Valley District Council, United Brotherhood of Carpenters and Joiners, of Aurora, both in the State of Illinois, praying for the enactment of legislation to further restrict immigration, which were referred to the Committee on Immigration.

He also presented a memorial of the International Molders' Conference Board, of Chicago, Ill., remonstrating against the elimination of the eight-hour provision from the naval appropriation bill, and the provision that the battleship *New York* shall be built in a Government navy yard, which was referred to the Committee on Naval Affairs.

He also presented a memorial of the Trades Council of Staunton, Ill., remonstrating against the repeal of the present oleomargarine law, which was referred to the Committee on Agriculture and Forestry.

He also presented a memorial of the Chicago Association of Commerce, of Chicago, Ill., remonstrating against the passage of the so-called Scott antioption bill relative to dealing in cotton futures, etc., which was ordered to lie on the table.

He also presented memorials of sundry citizens of St. Clair County; Point Lookout Grange, No. 1749, of New Athens, in the State of Illinois, and of the Milk Producers' Association of Illinois, Wisconsin, and Indiana, remonstrating against the ratification of the proposed reciprocal agreement between the United States and Canada, which were referred to the Committee on Finance.

Mr. FRYE presented memorials of Caribou Grange, No. 133, of Lyndon; John F. Hill Grange, No. 393, of Elliot; Sebasticook Grange, No. 90, of Burnham; Somerset Pomona Grange, of Anson; and of Local Grange No. 369, of Nobleboro, all of the Patrons of Husbandry, in the State of Maine, remonstrating against the ratification of the proposed reciprocal agreement between the United States and Canada, which were referred to the Committee on Finance.

Mr. BURROWS presented petitions of sundry citizens of Lincoln Township and of Richland, and of the Woman's Christian Temperance Union, of Union, Gladwin, Plainwell, Algonac, and Detroit, all of Michigan, praying for the enactment of legislation to prohibit the interstate transmission of race gambling bets, which were referred to the Committee on the Judiciary.

Mr. BULKELEY presented memorials of Killingworth Grange; Hope Grange, No. 20; Eureka Grange; Litchfield Grange; and East Canaan Grange, all of the Patrons of Husbandry, in the State of Connecticut, remonstrating against the passage of the so-called parcels-post bill and praying for the

passage of a full and complete parcels-post bill, which were referred to the Committee on Post Offices and Post Roads.

He also presented a memorial of Local Grange, No. 66, Patrons of Husbandry, of Killingworth, Conn., and a memorial of Konomoc Grange, Patrons of Husbandry, of Waterford, Conn., remonstrating against the ratification of the proposed reciprocal agreement between the United States and Canada, which were referred to the Committee on Finance.

He also presented a memorial of Typographical Union No. 252, of Bridgeport, Conn., remonstrating against any increase being made in the rate of postage on periodicals and magazines, which was ordered to lie on the table.

Mr. SCOTT presented a memorial of Mount Zion Grange, No. 89, Patrons of Husbandry, of Lewis County, W. Va., remonstrating against the ratification of the proposed reciprocal agreement between the United States and Canada, which was referred to the Committee on Finance.

He also presented a petition of the Macmillan Publishing Co., of New York City, N. Y., praying for an increase in the rate of postage on magazines and periodicals, which was ordered to lie on the table.

Mr. BURKETT presented a petition of the Commercial Club of Omaha, Nebr., praying for the enactment of legislation providing for a revision of the maritime laws so that the mails will be carried in ships built in American yards, which was ordered to lie on the table.

He also presented a memorial of the Central Labor Union of Lincoln, Nebr., remonstrating against the repeal of the present law relative to the printing by the Government of notes, bonds, checks, etc., which was referred to the Committee on Printing.

He also presented a petition of the Produce Exchange of Omaha, Nebr., praying for the enactment of legislation providing for the inspection of egg products by the Government, which was referred to the Committee on Agriculture and Forestry.

Mr. BRIGGS presented memorials of the Mullica Hill, Shrewsbury, Plainsboro, Locktown, Windsor, Manalapan, Ringoes, Cedarville, Haddon, Elmer, Johnsonburg, and Monmouth Granges, Patrons of Husbandry, all in the State of New Jersey, and of the De Laval Separator Co., of New York City, N. Y., remonstrating against the ratification of the proposed reciprocal agreement between the United States and Canada, which were referred to the Committee on Finance.

Mr. FLINT. I present a telegram, transmitting joint resolutions adopted by the Legislature of the State of California, which I ask may be printed in the RECORD and referred to the Committee on Commerce.

There being no objection, the telegram was referred to the Committee on Commerce and ordered to be printed in the RECORD, as follows:

SACRAMENTO, CAL., February 17, 1911.

HON. FRANK P. FLINT,
United States Senate, Washington, D. C.

SIR: I am directed to transmit the following joint resolutions, adopted unanimously in a case of urgency, this 17th day of February, 1911, by both houses of the legislature, introduced by Le Roy A. Wright, senate joint resolution No. 20, relative to the water supply of the Imperial Valley and the action of the United States Government and the Mexican Government in relation thereto:

"Whereas the United States Government heretofore authorized the putting in of a weir in the Colorado River to aid in the diversion of water into the intake of the canal which supplies water to the Imperial Valley, situated in Imperial County, in this State; and

"Whereas we are informed that the War Department has ordered the removal of this weir on 12 hours' notice; and

"Whereas we are informed such removal will endanger the water supply to 250,000 acres of land within the county of Imperial, in this State, all of which is entirely dependent upon irrigation; and

"Whereas the canal by which water is delivered for irrigation purposes in the Imperial Valley traverses during a part of its course a portion of Lower California in the Republic of Mexico; and

"Whereas heading known as 'Sharps heading' is located within the said Mexican territory, the destruction of which would entirely cut off all water supply from the Imperial Valley; and

"Whereas there exists at the present time a serious condition of disorder in said territory of Lower California, and particularly in the immediate vicinity of the said canal and said heading: Therefore be it

"Resolved, That the senate and assembly of this State jointly urge upon the Federal Government the necessity of delay in the removal of the said weir in the Colorado River until proper investigation can be made as to the effect of such action upon the said Imperial Valley; and be it

"Further resolved, That the Federal Government be requested to take such steps within its power as are necessary to the protection of the water supply of the Imperial Valley and the said Sharps heading and the said canal within the Territory of Mexico, and to guarantee a permanent delivery to said territory; and be it

"Further resolved, That a copy of the resolutions be transmitted immediately by telegraph to the President of the United States, the Secretary of War, and the Senators and Representatives in Congress from this State, and that said Senators and Representatives be instructed to use their best efforts to insure the protection of the people of Imperial County, in this State, and to prevent the irreparable injury which would result to them should their water supply be interfered with or

cut off, either by reason of the action of the Federal Government in taking out the weir referred to or by reason of the disturbances existing within the territory of Lower California."

WALTER N. PARRISH,
Secretary of the Senate.

Mr. GRONNA. A few moments ago my colleague presented a telegram from Andrew Veitch, chairman of a meeting of farmers and business men held at Grand Forks, N. Dak., which was read.

I now present a telegram, signed by E. Y. Sarles, ex-governor of the State of North Dakota, which I ask may be read and referred to the Committee on Finance.

There being no objection, the telegram was read and referred to the Committee on Finance, as follows:

HILLSBORO, N. DAK.

HON. A. J. GRONNA,
United States Senate, Washington, D. C.:

If J. J. Hill's statement made in Chicago yesterday is correctly reported, stating that the northwestern farmers are two to one in favor of the Canadian reciprocity, he knowingly has misrepresented the situation. In my opinion, not a single legitimate farmer in our State is in favor of it. Approval of this measure means disaster to our State.

E. Y. SARLES.

Mr. YOUNG. I present a memorial from members of the Iowa Agricultural College Grange, No. 2047, of Ames, Iowa, relative to the Canadian reciprocity agreement. I ask that the memorial be printed in the RECORD, including the names.

There being no objection, the memorial was ordered to be printed in the RECORD, together with the names, as follows:

To the honorable Senate of the United States, Washington, D. C.:

We, the undersigned members of the Iowa Agricultural College Grange, No. 2047, Ames, Iowa, respectfully urge that the Canadian reciprocity bill now pending in Congress should not become law for the following reasons:

1. The bill provides for the admission free of duty of all Canadian farm products. Since Canada is the only country from which any considerable quantity of these products can under any circumstances be imported, this would result in practically free trade in everything the farmer produces.

2. While putting farm products on the free list, the reciprocity bill makes no material reduction in the high-tariff rates on all the manufactured articles the farmer buys, and therefore gives no relief from the heavy burden of taxation imposed by these duties.

3. The theory on which our protective policy has always been defended is that all classes and interests are equally entitled to protection. The farmers, however, receive much less protection than the manufacturers, for while farm products are taxed on the average about 25 per cent, manufactured articles are taxed on an average about 45 per cent.

4. The enactment of the Canadian reciprocity bill would still further discriminate against the farmers by abolishing the comparatively slight protection now given them, while leaving the high-protective duties on manufactures practically untouched.

5. The Canadian farmers, by reason of their lower general tariff and their preferential trade arrangements, can buy manufactured goods at lower prices than those prevailing in this country. The prices of farm lands in Canada are also much lower than in the United States. These conditions give the Canadian farmers an advantage over us, and the free admission of their products will subject us to unfair competition.

6. We hold that the farmers should receive exactly the same measure of protection as is given the manufacturers and that there must be no reduction of duties on farm products, either by reciprocity or tariff revision, unless the duties on all manufactured articles are at the same time correspondingly reduced.

7. To show that this reciprocity measure is not an honest effort to reduce the cost of living in the interest of the consumer it is sufficient to point out that while wheat is on the free list flour is taxed 50 cents per barrel, and that while cattle, sheep, and hogs are free, meats, both fresh and cured, are taxed 1½ cents per pound for the benefit of the Meat Trust.

As the adoption of the proposed reciprocity law would be a serious injury to the farming interests of this country, and would greatly reduce the value of our farm lands, while increasing the value of Canadian farms, we earnestly protest against its enactment.

C. F. CURTIS.
S. A. BEACH.
F. M. COULTER.
E. W. STANTON.
P. G. HOLDEN.
M. MOOTENSEN.
HARRY B. POTTER.

Approved:

NAHUM J. BACHELDER,
T. C. ATKESON,
AARON JONES,
Legislative Committee, National Grange.

Mr. YOUNG presented a petition of Custer Post, No. 25, Department of Iowa, Grand Army of the Republic, of Cherokee, Iowa, praying for the passage of the so-called old-age pension bill, which was ordered to lie on the table.

He also presented a memorial of sundry citizens of the State of Iowa, remonstrating against the ratification of the proposed reciprocal agreement between the United States and Canada, which was referred to the Committee on Finance.

Mr. OVERMAN. I present a joint resolution, adopted by the Legislature of the State of North Carolina, which I ask may be read and referred to the Committee on Appropriations.

There being no objection, the joint resolution was read and referred to the Committee on Appropriations, as follows:

Whereas a movement is on foot before the National Congress to abolish the United States assay office at Charlotte; and
Whereas this assay office is a great convenience to the mining industry in the two Carolinas and Georgia: Therefore be it

Resolved by the house of representatives (the senate concurring), That our Senators and Representatives be requested to use their influence and best efforts to prevent such action and to secure the continuance and maintenance of this office as heretofore.

Resolved further, That this resolution shall be forwarded at once to both Senators and to the 10 Representatives in Congress from this State.

In the general assembly read three times and ratified this the 14th day of February, 1911.

W. C. NEWLAND,
President of the Senate.

W. C. DOWD,
Speaker of the House of Representatives.

Examined and found correct.

PETHEL, for Committee.

STATE OF NORTH CAROLINA,
OFFICE OF SECRETARY OF STATE,
Raleigh, February 14, 1911.

I, J. Bryan Grimes, secretary of state of the State of North Carolina, hereby certify that the foregoing is a true and correct copy of the original resolution on file in this office.

Witness my hand and official seal at my office in Raleigh, this the 14th day of February, 1911.

[SEAL.]

J. BRYAN GRIMES, *Secretary of State.*

Mr. GALLINGER. I present a telegram in the nature of a memorial, signed by John Flynn, of Berlin, N. H., relative to the Canadian reciprocity agreement. I ask that the telegram be printed in the RECORD and referred to the Committee on Finance.

There being no objection, the telegram was referred to the Committee on Finance and ordered to be printed in the RECORD, as follows:

BERLIN, N. H., February 15, 1911.

Hon. J. H. GALLINGER, Washington, D. C.:

Pulp and paper provisions of the reciprocity bill ruinous to industry in this country. Work and vote against this feature until free raw material secured.

JOHN FLYNN.

Mr. SHIVELY presented telegrams in the nature of petitions of J. H. Hover, editor of the Piercetown Record, of Piercetown; the Idaville Observer, of Idaville; Walter E. Grant, proprietor of the Weekly Journal, of Pennville; George Hahn, secretary of the Master Printers' Association of the St. Joseph Valley, of South Bend; and of the Crescent Paper Co., of Indianapolis, all in the State of Indiana, praying for the enactment of legislation to prohibit the printing of certain matter on stamped envelopes, which were referred to the Committee on Post Offices and Post Roads.

He also presented the memorial of L. M. Locke, member of the Board of Trade, of Chicago, Ill., remonstrating against the passage of the so-called Scott antioption bill relative to dealing in cotton futures, etc., which was ordered to lie on the table.

He also presented a petition of Local Lodge No. 93, Brotherhood of Stationary Firemen, of Hammond, Ind., remonstrating against the ratification of the proposed reciprocal agreement between the United States and Canada, which was referred to the Committee on Finance.

He also presented memorials of F. C. Heath, president of the Indiana State Medical Association, of Indianapolis; G. W. H. Kemper, of Muncie; Albert E. Bulson, Jr., editor of the Journal of the Indiana State Medical Association, of Indianapolis; Lowell M. Green, secretary of the Rush County Medical Society, of Rushville, all in the State of Indiana; M. E. Douglas, member of University of Michigan Alumni Association, of Philadelphia, Pa.; and of Stephen Farrelly, manager of the American News Company, of New York, N. Y., remonstrating against any increase being made in the rate of postage on periodicals and magazines, which were ordered to lie on the table.

He also presented the petitions of Mrs. J. B. Woods, Mrs. B. B. Stephenson, Frank Tanzy, Tillman Stockmill, Elma P. Mattor, Mrs. K. Lovinger, Richard Burke, Mrs. Anna Mason, Cathrine Sirp, Carrie Bauke, Mr. and Mrs. H. D. Pope, Mrs. Emma Nicoll, Mrs. Frank A. Wall, Miss Kizzie Allen, Mrs. John A. Lombard, Mrs. James Dawson, Mrs. William Folkening, R. G. Lemon, Mrs. Hellie Sheridan, Henry Eden, M. P. Orr, Mrs. Ida E. Ehlert, Mrs. Henry Hell, Mrs. Anna Rochford, Sarah Brooks, Joseph Brown, Nettie West, Mrs. Kate Boles, Anna Haley, Lizzie Caston, Mrs. Harriett Rarksdale, Mrs. Bertha Kaspel, Mrs. Carrie B. Thomas, Mrs. Mary Sexson, Mrs. Winnie McInteer, Sallie Jahson, George P. Griffin, D. W. Keely, William E. Ray, Elnare Hughes, Frank L. Gortin, Georgia Shavers, Arther E. Hart, E. A. Horton, R. S. Wilhelm, Mrs.

Julian, Mrs. May Fletcher, Bridget O'Hara, J. L. Perler, Mrs. August Lipperd, Mrs. W. F. Nerge, T. H. Nell, Mrs. Margaret Hermann, Mrs. Bridget Bowers, Mrs. W. Sougeir, Mrs. J. C. Kuhn, Annie Moore, Mary Althoff, Mrs. Beach, Mrs. S. C. Young, Flora D. Hamer, John H. Goll, Mrs. Ella Gordon, Mrs. Ellen Howard, Walter Boyd, Mrs. Sarah Goodman, Mrs. W. H. Carter, Lucy Barnett, Ellen Terrell, Cleo Brackshaw, Mrs. Patsy P. Stout, Agnes La Follette, Charles M. Adams, Mrs. Maggie Gant, Adelaide James, Mrs. Charles Blake, Mrs. Richard Wall, Mrs. Robert Kirst, Miss Margaret Lyons, Henry Spacke, Virgil McDumid, Anna Hendey, Elise Maxey, Mrs. Anna Weller, Mrs. Elizabeth Haverstick, Fred H. Ackelow, Mrs. Frank Faust, John Geiger, Robert L. Flanagan, Nona Cook, Charles W. Hulsman, Andrew Kellemeier, T. H. Hollenbeck, Michael Rieger, Mrs. Nellie Lakey, William Losche, L. Gray, Mrs. C. A. Casey, Mrs. J. F. Geiger, Minnie Pasche, Mrs. Zora Lee, Mrs. Oldham, Mrs. William Dinger, Mrs. Masker, Albert T. Koch, Sophia Braun, Cordelia E. Zregler, Ida Atown, Mrs. Mary A. Graves, Glendor Kline, W. E. Davis, Thomas Cox, Anna Hardin, Helen E. Hardin, Minnie M. Battle, Algina Swisher, Lorenzo D. Fuller, Mrs. Lydia Yiley, Clara Cruch, Miss R. Dunn, William Aukerbrook, Lula Howard, Mrs. Emma Winters, Albert Walker, Molly Carter, John F. Henning, George C. Gerdt, sr., Emil Stoll, Mrs. Matilda J. Ballard, Mrs. Barbara Speece, Laura S. Tompkins, E. E. Bradfield, Mrs. Mary Brard, Mrs. Mattie Steele, Grace Darnall, William Johnson, Jennie Corcoran, Charles McCarthy, Grace Mehring, Mrs. J. J. Steele, Elizabeth Adams, M. G. Farnham, E. B. Waggoner, Mrs. Courtney Crumb, Raymond Trout, Mrs. Jessie Donnor, Mrs. Bertha Kenner, Henry McGail, Mrs. Jessie Van Pelt, James M. Bannon, Abe Eberhardt, Mrs. W. Moone, Michael McGinley, Harry James, Mrs. J. Davey, Anton Miller, Malvina Eberhard, Mrs. Claude Martin, Minnie E. Graves, Elizabeth Niclaun, Mrs. P. M. O'Neal, Annie Mussmann, Frank Shening, Margaret C. Doherty, Ida Mae Miller, Mrs. Nettie Green, Ruth Schmidt, Mrs. J. A. Voit, Mrs. Mary Costello, N. Lemontree, Charles Williams, Mrs. William Tyler, Mrs. O. Huhn, Alvin Ray Murphy, Rena Champion, Mrs. Laura Thompson, Mrs. Jennie Wheeler, Anna Alexander, Mrs. Daisy Adams, Mrs. Mary Bennett, Mrs. Ida Lytte, Lula Wood, Sallie Gowdy, Mr. Emanuel Douglas, Alma Brown, Mrs. Minnie Payne, Mrs. Ella Hutchison, O. Baker, Mrs. O. A. Wetson, William E. Winter, Mrs. William Hutchins, William Sweir, Mrs. Mollie Colligan, Mrs. William Martin, Mrs. L. Woelz, Mrs. Henry Kinkle, Mrs. Mary J. Rebholz, Mrs. L. F. Tyner, Lowell Blair, Fred Cochran, Mrs. Marsch, Mrs. G. W. Pein, John O. Keith, Ida A. Hert, Amelia F. Grassow, Charley H. Bailey, Mrs. A. B. Burger, Charles E. Young, Thomas G. McDonald, Mrs. Nora Venis, Mrs. Sophia Ziegler, Mrs. J. Hofer, Miss Albert Phillips, Mrs. Naomi E. Carroll, James M. Gordon, Mrs. I. T. Zimmerman, Mrs. W. T. Dodd, Pearl Webb, Mrs. Viola Johnson, Helen Overstreet, Lorena Spellman, Mrs. Mary A. Harris, Mrs. Laura Engelage, Mrs. Mamie Baganz, Mrs. Martin Moran, Catherine Denny, Mrs. Mary J. Nogle, Miss Daisy Duke, Mrs. Albert Wilkerson, Christine Jensen, W. D. Adair, Mary Hanf, Mrs. C. F. Goss, R. J. Snyder, Ella C. Shea, Mrs. Eliza Sebricketary, Gertrude Robinson, Agatha Brockhausen, Malinda W. Berry, Minnie Cummings, Mrs. Kate Marstill, Clara Hert, Mrs. H. F. Landis, Mrs. Elronna Hamilton, Mrs. Ida Hernisen, Mary A. Dean, F. L. Schaf, Buck A. McDonald, Martin Finnigan, Anna E. Schoppe, Mrs. Mary Callahan, Mrs. Martha W. Wing, Sarah Graham, Mrs. M. F. Healey, Mrs. Kellermeyer, Bert C. Weadon, Mildred Allach, Mrs. Grace Chapman, S. Smith, Anna Thomas, Rosa Lancaster, Mary Waters, Maud Lytton, Lolla Sears, Alice Goodale, Kathrine Raines, Mrs. John Tollwer, Ward Scott, Mrs. O. Campbell, Florence Lee, Clara Kiess, Lottie Thom, Mrs. C. E. Pann, Anna Lynch, W. F. Bradley, Alice Spears, Kate Marshall, Mrs. Louis Reising, Jennie Kennedy, Mary Merringer, Mrs. Carpenter, Mary E. Hall, Susannah Petty, Alice Land, Mary Jefferies, Harry Phillips, Mrs. V. G. Loremy, William J. Clark, Jesse Collins, Mrs. Dawson, Jone Stark, Mrs. Goodwin, Jessie Worth, James H. Flynn, Ruth Scanlin, Mrs. E. Hafner, Minnie Michel, Catherine Cudworth, S. G. Patern, Kate Pickering, G. W. Ford, Hannah Heicker, Minnie Kassing, Zitta Hartman, Maggie Morris, D. J. Rinderknecht, Miss B. Griffen, Mrs. Cora Catts, John Baner, Lizzie Machold, Madge McLeod, Francis Hillman, Mary V. Huegoll, Gertie Stewart, Sarah B. Ader, Henry Nicoll, Mrs. Lucy J. Brooks, Frank Ackerman, Eliza McMurry, Mary Bess, Pearl Jones, Mattie Williams, Ellen Brown, H. B. McMurray, John Hart, Mrs. Rice, Willie Hall, Hanie Hall, Edward Bapter, Mrs. T. J. Kelly, W. R. Mattock, Mr. Williams, Mrs. Mary Esx, Mrs. J. Dewald, Mrs. Blonde Kite, Mrs. Ellsworth Bradshaw, Mrs. E. Klansmanor, Jacob Stewart, Mrs. Eliza A. White, W. C. Botkin, E. B. Price, Namie Johnson, Fred Wolfolk, Homer Bapter, Ashford Nicholls, Mrs.

Cora Holden, Mrs. Lizzie Porter, Nellie Sindernam, Mrs. Betty Thielmann, Katie Hayes, M. J. Haneahan, Mrs. Nina M. Dennis, Louise Gaibben, Fannie E. Seay, Minnie Alexander, F. G. Smith, Josephus Richardson, J. W. Montgomery, James Hurley, E. Williams, Mrs. Sarah L. Blanchard, Mary Dean, Mrs. Myra L. Jackson, Mrs. Anna Lehl, Caroline Gilispie, Mary Stone, Susie Miller, Annie P. Rutledge, Mary Smith, Anna Van Carry, Henry Hackinger, and Anna Paulus, all in the city of Indianapolis, in the State of Indiana, praying for the establishment of a national department of health, which were referred to the Committee on Public Health and National Quarantine.

Mr. NIXON presented a petition of Typographical Union, No. 105, of Goldfield, Nev., praying for the enactment of legislation to prohibit the printing of certain matter on stamped envelopes, which was referred to the Committee on Post Offices and Post Roads.

He also presented a petition of Local Union No. 1761, United Brotherhood of Carpenters and Joiners of America, of Goldfield, Nev., praying for the enactment of legislation to further restrict immigration, which was referred to the Committee on Immigration.

Mr. BURNHAM presented memorials of Spofford Grange, No. 83, of West Chesterfield, and of Lamprey River Grange, No. 240, of Newmarket, Patrons of Husbandry, in the State of New Hampshire, remonstrating against the ratification of the proposed reciprocal agreement between the United States and Canada, which were referred to the Committee on Finance.

He also presented a petition of the Boot and Shoe Club of Boston, Mass., praying for the ratification of the proposed reciprocal agreement between the United States and Canada, which was referred to the Committee on Finance.

Mr. DU PONT presented memorials of Diamond State Grange, No. 2, of Stanton; Sunny Side Grange, No. 7, of Bridgeville; Clayton Grange, No. 41, of Dagsboro; Champion Grange, No. 35, of Dover; Trophy Grange, No. 22, of Felton; Harmony Grange, No. 12, of Marshallton; Capital Grange, No. 18, of Dover; and New Castle Grange, No. 37, of New Castle, all of the Patrons of Husbandry, in the State of Delaware, remonstrating against the ratification of the proposed reciprocal agreement between the United States and Canada, which were referred to the Committee on Finance.

Mr. BROWN. I present a communication signed by W. M. Armstrong, post commander of Russell Post, No. 77, Grand Army of the Republic, of Fairbury, Nebr., which I ask may lie on the table and be printed in the RECORD.

There being no objection, the communication was ordered to lie on the table and to be printed in the RECORD, as follows:

FAIRBURY, NEBR., February 14, 1911.

To HON. NORRIS BROWN and ELMER J. BURKETT,

Senatorial Delegation of Nebraska.

DEAR SENATORS: In view of the fact that the State of Nebraska, as well as other States and communities, are now paying out large sums of money every year to indigent old Union soldiers, their widows and children—Jefferson County alone having paid out the sum of \$350.51 for the year ending February 13, 1911—we, the 12,000 old soldiers of the State and many other good people of the State, respectfully urge that you will use your best endeavors to have passed at an early day the so-called Salloway pension bill, which was passed in the House of Representatives by a very decisive majority, because we believe if it were done it would go very far to ameliorate the difficulties the poor broken-down old soldiers are now laboring under, and it is probably the last opportunity to assist the old boys who are so rapidly passing away.

And thus we shall every pray.

Done by order Russell Post 77, Grand Army of the Republic.

W. M. ARMSTRONG, Post Commander.

Attest:

E. A. YONTZ, Adjutant.

Mr. STEPHENSON. I present a joint resolution of the Legislature of the State of Wisconsin, which I ask may be printed in the RECORD and referred to the Committee on Fisheries.

There being no objection, the joint resolution was referred to the Committee on Fisheries and ordered to be printed in the RECORD, as follows:

Joint resolution No. 57a.

Joint resolution relating to an interstate conference on fish and game laws, their enforcement, and the adjustment of conflicting provisions.

Whereas uniformity of the fish and game laws in the North Central States would be beneficial and mutual cooperation in their enforcement desirable: Therefore be it

Resolved by the assembly (the senate concurring), That the Legislature of the State of Michigan, the Legislature of the State of Indiana, the Legislature of the State of Illinois, the Legislature of the State of Iowa, the Legislature of the State of Minnesota, the Legislature of the State of North Dakota, and the Legislature of the State of South Dakota be requested to send a committee of not less than three nor more than five members of the legislature of each such State to meet with a like committee of the Legislature of the State of Wisconsin at the capitol in the city of Madison, in said State of Wisconsin, on the 21st day of February, to confer upon legislation relating to fish and game, to consider the means of enforcement of such laws, and also to

adjust any interstate questions in relation thereto between any of the States so represented.

Resolved, That a copy of this joint resolution be forwarded to the governor and the legislature of each of said States and to the governor of the State of Wisconsin.

C. A. INGRAM,
Speaker of the Assembly.
JOHN J. BLAINE,
Acting President of the Senate.
C. E. SHAFFER,
Chief Clerk of the Assembly.
F. M. WYLIE,
Chief Clerk of the Senate.

Mr. STEPHENSON. I present a joint resolution of the Legislature of the State of Wisconsin, which I ask may be printed in the RECORD and referred to the Committee on Finance.

There being no objection, the joint resolution was referred to the Committee on Finance and ordered to be printed in the RECORD, as follows:

Joint resolution 62a.

Joint resolution relating to urging Congress to pass the bill abolishing the use of phosphor in manufacturing matches.

Whereas there is now before Congress a bill introduced by the Hon. JOHN J. ESCH, known as bill No. 30022; and

Whereas this bill will abolish the use of phosphor in the manufacturing of matches, thereby doing away with the loathsome occupational disease known as phossy jaw: Therefore be it

Resolved by the assembly (the senate concurring), To urge Congress to pass this bill before the close of the present session; and further

Resolved, That the secretary of state be instructed to forward to each of the Wisconsin Congressmen a copy of this resolution immediately after its passage.

C. A. INGRAM,
Speaker of the Assembly.
THOMAS MORRIS,
President of the Senate.
C. E. SHAFFER,
Chief Clerk of the Assembly.
F. M. WYLIE,
Chief Clerk of the Senate.

Mr. STEPHENSON. I present a joint resolution of the Legislature of the State of Wisconsin, which I ask may lie on the table and be printed in the RECORD.

There being no objection, the joint resolution was ordered to lie on the table and to be printed in the RECORD, as follows:

Joint resolution 7a.

Joint resolution requesting the Members of the United States Senate and of the House of Representatives from Wisconsin to vote for and use every effort to bring about the adoption of a joint resolution proposing an amendment to the Federal Constitution providing that United States Senators shall be elected by the people of the several States.

Whereas the following joint resolution proposing an amendment to the Federal Constitution providing that United States Senators shall be elected by the people of the several States has been introduced in the United States Senate:

"Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That in lieu of the first paragraph of section 3 of Article I of the Constitution of the United States, and in lieu of so much of paragraph 2 of the same section as relates to the filling of vacancies, and in lieu of all of paragraph 1 of section 4 of said Article I, in so far as the same relates to any authority in Congress to make or alter regulations as to the times or manner of holding elections for Senators, the following be proposed as an amendment to the Constitution, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the States:

"The Senate of the United States shall be composed of two Senators from each State, elected by the people thereof, for six years; and each Senator shall have one vote. The electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislatures.

"The times, places, and manner of holding elections for Senators shall be as prescribed in each State by the legislature thereof.

"When vacancies happen in the representation of any State in the Senate, the executive authority of such State shall issue writs of election to fill such vacancies: Provided, That the legislature of any State may empower the executive thereof to make temporary appointments until the people fill the vacancies by election, as the legislature may direct.

"This amendment shall not be so construed as to affect the election or term of any Senator chosen before it becomes valid as part of the Constitution;" and

Whereas it is fitting that the State of Wisconsin, a leader in the enactment of progressive legislation, should through its Senators and Representatives in Congress aid to the utmost in furthering the popular election of United States Senators: Therefore be it

Resolved by the assembly (the senate concurring), That the members of the United States Senate and of the House of Representatives from the State of Wisconsin be requested to support a measure substantially in accord with the provisions of the resolutions hereinbefore recited.

Resolved further, That copies of this resolution be at once forwarded to the United States Senators and Members of Congress from the State of Wisconsin.

C. A. INGRAM,
Speaker of the Assembly.
JOHN J. BLAINE,
Acting President of the Senate.
C. E. SHAFFER,
Chief Clerk of the Assembly.
F. M. WYLIE,
Chief Clerk of the Senate.

Mr. STEPHENSON presented memorials of the Milk Producers' Association of Wisconsin, Illinois, and Indiana, and of

the Commercial Club of Clear Lake, Wis., remonstrating against the ratification of the proposed reciprocal agreement between the United States and Canada, which were referred to the Committee on Finance.

He also presented a petition of Local Union No. 654, United Brotherhood of Carpenters and Joiners of America, of Rhineland, Wis., praying for the enactment of legislation to further restrict immigration, which was referred to the Committee on Immigration.

He also presented a memorial of Local Musicians' Union No. 46, of Oshkosh, Wis., remonstrating against the employment of enlisted musicians in competition with civilians, which was referred to the Committee on Military Affairs.

He also presented a petition of sundry citizens of Ellison Bay, Wis., praying for the passage of the so-called parcels post bill, which was referred to the Committee on Post Offices and Post Roads.

He also presented a petition of sundry citizens of Sister Bay, Wis., praying for the adoption of an amendment to the Constitution of the United States providing for the election of the United States Senators by a direct vote of the people, which was ordered to lie on the table.

Mr. DEPEW. I present a resolution of the lower house of the New York State Legislature and ask that it be printed in the RECORD.

Mr. CULBERSON. I ask that it be read. Being a communication from the legislature of a State, it ought to be read.

There being no objection, the resolution was read and ordered to lie on the table, as follows:

IN ASSEMBLY, February 14, 1911.

By unanimous consent, Mr. Bush offered for the consideration of the house a resolution in the words following:

"Whereas a bill (H. R. 29346) known as the Sulloway bill, granting pensions to certain enlisted men, soldiers and officers, who served in the Civil War and the War with Mexico, has passed the House of Representatives in the Congress of the United States and is now pending in the Senate: Therefore be it

Resolved (if the senate concur), That we heartily approve of the provisions of said bill, and we hereby respectfully request our Senators in Congress to vote for and use every honorable means to secure its passage by the Senate of the United States just as it passed the House of Representatives, without alteration or amendment as to benefits provided.

Resolved, That copies of this resolution, signed by the respective officers of the house, be sent to each of the Senators from New York in the Congress of the United States."

Mr. Speaker put the question whether the house would agree to said resolution, and it was determined in the affirmative.

Ordered, That the clerk deliver said resolution to the senate and request their concurrence therein.

IN ASSEMBLY, February 15, 1911.

The senate returned the concurrent resolution in relation to the Sulloway bill now pending in the Senate of the United States with a message that they have concurred in the passage of the same without amendment.

OFFICE OF THE CLERK OF THE ASSEMBLY.

STATE OF NEW YORK, County of Albany, ss:

I, Luke McHenry, clerk of the assembly, do hereby certify that I have compared the foregoing resolution and record of proceedings of the assembly had thereon with the original thereof as contained in the original copy of the official journal of the proceedings of the Assembly of the State of New York of the 14th and 15th days of February, 1911, now on file in my office; that the foregoing is a true and correct transcript of said original resolution and record of the proceedings of the assembly had thereon on the said dates and of the whole thereof.

In witness whereof I have hereunto affixed my hand and official seal this 16th day of February, 1911.

[SEAL.]

LUKE MCHENRY,
Clerk of the Assembly.

Mr. DEPEW presented memorials of Peru Grange, No. 93; Marilla Grange, No. 1133; Clintondale Grange, No. 957; Rushford Grange, No. 1004; Chaffee Grange, No. 987; Floyd Grange, No. 665; Star Grange, No. 9; Brockport Grange, No. 93, all of the Patrons of Husbandry; of Corinth Business Men's Association; and of sundry citizens of Slingerlands, Fort Edward, and Rochester Junction, all in the State of New York, remonstrating against the ratification of the proposed reciprocal agreement between the United States and Canada, which were referred to the Committee on Finance.

He also presented a petition of the Republican county committee of Richmond County, N. Y., praying for the ratification of the proposed reciprocal agreement between the United States and Canada, which was referred to the Committee on Finance.

He also presented petitions of Islip Council, No. 49, of Islip; Hunting Council, No. 26, of Bridgehampton; William McKinley Council, No. 125, of Lockport; and Martha Washington Council, No. 11, of New York City, Junior Order United American Mechanics; of Cigar Makers' Union No. 6, of Syracuse; Camp No. 41, of Newburgh; Camp No. 9, of College Point; and Camp No. 10, of Yonkers, Patriotic Order Sons of America; of the Central Federation of Labor of Albany; of the Musicians' Union No. 78, of Syracuse, all in the State of New York, praying for the enactment of legislation to further restrict immigration, which were referred to the Committee on Immigration.

He also presented petitions of Gaines Grange, No. 1147, Patrons of Husbandry; Wallkill River Grange, No. 983, Patrons of Husbandry; and of the Republican county committee of Richmond County, all in the State of New York, praying for the passage of the so-called parcels-post bill, which were referred to the Committee on Post Offices and Post Roads.

He also presented petitions of Alfred M. Wood Post, No. 368, Department of New York, Grand Army of the Republic, of Jamaica, N. Y., and of Henry Van Aernam Post, No. 232, Department of New York, Grand Army of the Republic, of Ellcottville, N. Y., praying for the passage of the so-called old-age pension bill, which were ordered to lie on the table.

He also presented a petition of the Chamber of Commerce of Rochester, N. Y., praying for the enactment of legislation providing for the preservation of the forest reservations at the headwaters of navigable streams, which was ordered to lie on the table.

He also presented a petition of the Boss Bakers' Business Association, of Brooklyn, N. Y., praying for the enactment of legislation providing for an inspection of egg products by the Government, which was referred to the Committee on Agriculture and Forestry.

Mr. McCUMBER. I present two telegrams, one of which I ask may be read and that the second may be printed in the RECORD without reading.

The VICE PRESIDENT. Without objection, the Secretary will read the telegram.

The Secretary read as follows:

GRAND FORKS, N. D., February 17, 1911.

Senator P. J. McCUMBER, Washington, D. C.:

At a meeting of the farmers and business men called at Grand Forks for the purpose of discussing the reciprocity agreement now before the Senate it was unanimously decided to express our gratitude for the stand you have taken and request you to use every honorable means in your power to defeat the measure. Believing its passage will greatly injure producer without materially benefiting the consumers, and consequently reduce farm values, we believe it means loss of many millions of dollars per year to our State. No doubt the price of wheat until the past few years was largely controlled by Liverpool, but with increased consumption the same is not true at this time. There has been very little difference in prices between Minneapolis and Liverpool in the last six months. One hundred million surplus is none too much for a nation of 90,000,000 people to keep constantly on hand. The increased interest in and adoption of better farming methods warrant the prediction that increased demands of the future will be more than met by the increased production in England, France, and Germany. We will do the same, and will also raise the standard of farmers and farm life and increase their purchasing power of our manufactured products.

ANDREW VEITCH, Chairman.

The VICE PRESIDENT. The telegram will lie on the table.

Mr. McCUMBER presented the following telegram, which was ordered to lie on the table and to be printed in the RECORD:

FARGO, N. D., February 17, 1911.

Hon. P. J. McCUMBER,

United States Senate, Washington, D. C.:

The farmers of North Dakota would respectfully ask that you use all honorable means to prevent the passage of the proposed Canadian reciprocity agreement now before the United States Senate, knowing should this bill become a law it would do us great injustice.

JAMES HOLES.

Mr. McCUMBER presented a memorial of sundry citizens of Valley City, N. Dak., remonstrating against the ratification of the proposed reciprocal agreement between the United States and Canada, which was referred to the Committee on Finance.

He also presented a petition of sundry citizens of Flaxton, N. Dak., praying for the passage of the so-called parcels-post bill, which was referred to the Committee on Post Offices and Post Roads.

INCREASE OF PENSIONS.

Mr. McCUMBER. I present a resolution of the Legislature of the State of North Dakota, which I ask may be read, and I wish to submit a brief statement concerning it.

The VICE PRESIDENT. Without objection, the resolution will be read.

The Secretary read as follows:

BISMARCK, N. DAK., February 17, 1911.

Hon. P. J. McCUMBER,

United States Senate, Washington, D. C.:

In the matter of the Sulloway pension bill—
Resolved by senate of North Dakota (house concurring), That we heartily approve of all of the provisions of said bill, and we hereby respectfully request our Senators in Congress to vote for and use every honorable means to secure its passage by the Senate of the United States just as it passes the House of Representatives, without alteration or amendment as to benefits provided.

The foregoing resolution passed both houses February 17, 1911.

ALBERT ROBERTS,
Department Commander, Grand Army of the Republic.
D. G. DUELL,
Acting Adjutant General.

Mr. McCUMBER. Mr. President, it is known that a few days ago I submitted a substitute for the Sulloway bill as one of the minority of the committee of which I am chairman.

This resolution from the State of North Dakota, through its legislature, requests me to vote for the Sulloway bill. I desire to say that if I have an opportunity I shall vote in favor of the substitute which I have recommended in lieu of the Sulloway bill, and that in doing so I am positive in my own mind I am subserving the very best interests of the veterans of the great Civil War; and I am equally certain that if the members of the Legislature of the State of North Dakota were present here and understood the situation as I understand it they would with equal unanimity pass a resolution in favor of the substitute I have offered upon the floor.

I desire to say further that if the substitute is not carried I will then feel it my duty to vote for the original proposition as amended by our committee; but I am thoroughly convinced that the very best interests of the soldiers of the Civil War would require the substitute in place of the Sulloway bill. I think that the veterans of the Civil War can rest assured upon my past record, and that the bills the passage of which through Congress I have secured for their benefit will fully justify them in believing that I am in this respect acting for what I consider to be their very best interests.

The VICE PRESIDENT. The resolution will lie on the table.

Mr. SMITH of Michigan. Mr. President, I should like to ask the Senator from North Dakota whether it is the purpose of the Committee on Pensions to vigorously press the legislation to which he has referred to a conclusion.

Mr. McCUMBER. Mr. President, I can answer that question by saying that it is the intention of the Committee on Pensions to secure a vote upon this general pension legislation. I know there are quite a number of Senators who are opposed to the bill which involves the greater appropriation, but I have not learned that there are any Senators who are opposed to the bill who will especially oppose allowing the Senate an opportunity to vote upon any substitute that may be presented; and it is possible that if a substitute should be carried there would be no objection on the part of any Senator or Senators to a vote upon the bill as amended.

Mr. SMITH of Michigan. I should like to say to the Senator from North Dakota and other Senators that, as one Member of the Senate, I shall look forward with a great deal of pleasure to the probability that we may have an opportunity to vote upon the bill reported by the committee, as well as upon any substitute that may be offered. This is very important legislation, and should challenge the patriotism of every Senator who appreciates the sacrifices made by the soldiers of the Republic in the hour of our greatest trial. We can never fully show the depth of our gratitude for this noble service, but we can relieve these aged veterans from want and make their declining years happier by the prompt passage of this bill, and I hope no obstacle will now be interposed to prevent immediate consideration.

Mr. McCUMBER. I certainly wish that, because, as I stated, I want to have legislation at this session.

Mr. CURTIS. Mr. President—

The VICE PRESIDENT. Does the Senator from North Dakota yield to the Senator from Kansas?

Mr. McCUMBER. I shall do so in a moment.

Mr. President, I admit that with the short time at our disposal it is in the power of almost any one or more Senators to prevent legislation on anything but the general appropriation bills, but I sincerely hope that we shall be able to vote upon a proposition which passed the other House almost unanimously.

Mr. SCOTT. Mr. President, I do not believe there is a Senator here who will not agree that I am big enough and broad enough, if it were in my power, to extend the benefits of the pension list to the men who wore the gray as well as to those who wore the blue.

I want to call attention, Mr. President, to a time a few years ago when we assembled in Arlington, when 342 dead bodies of brave soldiers were brought back from Cuba that they might rest in sacred soil, when the President of the United States, the General of the Army, and the citizens of Washington and of the country at large were there at that impressive ceremony. Mr. President, 342 corpses lay beside the 342 open graves, and each casket was wrapped in the flag of our country. Walking down between those rows of graves, Mr. President, I saw the body of a boy from Texas, one from Ohio, one from Virginia, another from Michigan, and so on, showing that the country was again united and that we had one flag and one people.

Here, Mr. President, are these dear old men of the Civil War growing gray and decrepit. The father must go to the soldiers' home and the mother must work as long as she can, and when she can work no longer she must go to the poorhouse.

I say, Mr. President, in view of these facts and the earnestness with which I have tried to get up this bill and the feeling that I have in it, it strikes me that the Senate should give it prompt and favorable consideration, but there are men on the floor of this Senate who are doing all they can to prevent a vote upon this bill; and I give notice that it shall be my constant effort from now until the 4th day of March at least to secure a vote upon the bill. Each day as soon as the morning business is over I shall make a motion for its consideration.

Mr. SMITH of Michigan and others. Do it now.

Mr. SCOTT. I am urged by Senators around me to ask now for the immediate consideration of House bill 29346.

Mr. CURTIS. Mr. President, I simply want to suggest, in answer to the Senator from Michigan [Mr. SMITH], that the Senator from West Virginia [Mr. SCOTT] has been trying every day since this bill was reported, as have others of its friends, to get the measure up for consideration. As one of the majority favoring the report, I propose to join with the Senator from West Virginia [Mr. SCOTT] in doing everything possible to secure early action upon the Sulloway bill as reported from the committee and I hope it may be taken up to-day.

The VICE PRESIDENT. The Senator from West Virginia asks unanimous consent for the present consideration of a bill, the title of which will be stated by the Secretary.

The SECRETARY. A bill (H. R. 29346) granting pensions to certain enlisted men, soldiers and officers, who served in the Civil War and the War with Mexico.

Mr. OVERMAN. I object, Mr. President.

The VICE PRESIDENT. Objection is made.

Mr. SCOTT. Then I move that the bill be taken up; and on that motion I ask for a ye and nay vote.

Mr. BAILEY. I submit that that motion is not now in order, Mr. President.

The VICE PRESIDENT. The motion is not now in order. The order of business is now the presentation of petitions and memorials.

Mr. SCOTT. I give notice that as soon as it will be in order I shall move to take up the bill.

REPORTS OF COMMITTEES.

Mr. DILLINGHAM, from the Committee on Immigration, to which was referred the bill (S. 10675) to amend the immigration law relative to alien seamen and stowaways, reported it without amendment and submitted a report (No. 1192) thereon.

Mr. MARTIN, from the Committee on Commerce, to which was referred the bill (H. R. 31239) to authorize Park C. Abell, George B. Lloyd, and Andrew B. Sullivan, of Indian Head, Charles County, Md., to construct a bridge across the Mattawoman Creek near the village of Indian Head, Md., reported it without amendment.

Mr. NEWLANDS, from the Committee on Irrigation and Reclamation of Arid Lands, to which was referred the bill (H. R. 21225) for the relief of certain persons having supplied labor and materials for the prosecution of the work of making the main canal of the Belle Fourche irrigation project, reported it without amendment and submitted a report (No. 1193) thereon.

HOMESTEAD ENTRIES IN MONTANA.

Mr. DIXON. From the Committee on Public Lands I report back the bill (S. 10761) to amend section 3 of the act of Congress of May 1, 1888, and extend the provisions of section 2301 of the Revised Statutes of the United States to certain lands in the State of Montana embraced within the provisions of said act, and for other purposes, and I submit a report (No. 1194) thereon. In view of the fact that the homes of 500 or 600 people are in jeopardy because of a ruling of the department recently made I ask unanimous consent to put the bill on its final passage.

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

Mr. KEAN. Let the bill first be read.

The VICE PRESIDENT. The Secretary will read the bill for the information of the Senate.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

Mr. DIXON. Mr. President, I want to say, by way of explanation, that this territory was opened up 18 years ago, but under a crude wording of the original act the department has recently held that soldiers' additional homestead entries were not permissible within the Territory. After pursuing an uninterrupted course of patenting such entries for about 18 years the department has held up about 500 or 600 entries made in good faith. The bill is merely to cure the wording of the original act. The department has recommended it.

The amendment reported by the Committee on Public Lands was to add at the end of the bill the words "if said entries are in other respects regular and the laws relating thereto have been complied with," so as to make the bill read:

Be it enacted, etc., That section 3 of the act of May 1, 1888, ratifying and confirming an agreement with the various tribes or bands of Indians residing upon the Gros Ventre, Piegan, Blood, Blackfoot, and River Crow Reservations, in Montana Territory, be, and the same is hereby, amended so as to read as follows:

"Sec. 3. That lands to which the right of the Indians is extinguished under the foregoing agreement are a part of the public domain of the United States and are open to the operation of laws regulating the entry, sale, or disposal of the same: *Provided*, That no patent shall be denied to entries heretofore made in good faith under any of the laws regulating entry, sale, or disposal of public lands, if said entries are in other respects regular and the laws relating thereto have been complied with."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

EXCHANGE OF CERTAIN PROPERTIES IN PORTO RICO.

Mr. WARREN. From the Committee on Military Affairs, I report back the bill (S. 10759) relative to the exchange of certain properties between the insular government of Porto Rico and the War Department, and I submit a report (No. 1191) thereon. As it is a short bill, and it is necessary that it be considered early, I ask for its immediate consideration.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration. It proposes that in order to give effect to a provisional agreement between the governor of Porto Rico and the commanding general, Department of the East, the Secretary of War be directed upon the release to the United States by the Government of Porto Rico of all its rights and title to the buildings and grounds of the insane asylum, otherwise known as the "Beneficencia Building," and the buildings and grounds known as the "San Juan Military Hospital," in San Juan, P. R., to convey to the government of Porto Rico all the right and title of the United States in and to the following property: The building and grounds of Santo Domingo Barracks and the "Quartermaster's Corral," at San Juan; Fort Mayaguez, Mayaguez Barracks, and Mayaguez Hospital, at Mayaguez; the military land and buildings near Albonito; Aguadilla Fort, at Aguadilla; and all of Henry Barracks, at Cayey, except "Hospital Hill," on which are located the hospital, commissary quarters, administration buildings, guardhouse, stables, etc., with metes and bounds as shown on map of survey by First Lieut. William H. Armstrong, September 12, 1909, and except so much of the water system of Henry Barracks as the Secretary of War shall determine is necessary to be retained in connection therewith.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

SURPLUS POWER ON IRRIGATION PROJECTS.

Mr. BAILEY. I am directed by the Committee on Irrigation and Reclamation of Arid Lands, to which was referred the bill (H. R. 10574) to amend an act entitled "An act providing for the withdrawal from public entry of lands needed for town-site purposes in connection with irrigation projects under the reclamation act of June 17, 1902, and for other purposes," approved April 16, 1906, to report it with a recommendation that it be passed with certain amendments which are indicated in it, and I ask unanimous consent for its present consideration.

Mr. HEYBURN. I think the bill had better go over.

The VICE PRESIDENT. Objection is made.

Mr. BAILEY. I did not understand the Senator from Idaho.

Mr. HEYBURN. This is the bill which provides for the 40-year lease of water rights.

Mr. BAILEY. Only as to water users' associations.

Mr. HEYBURN. But it is of general application?

Mr. BAILEY. No, sir. It is, by amendment reported by the committee, confined to the El Paso project.

Mr. HEYBURN. Oh, it is confined to that.

Mr. BAILEY. Yes.

Mr. HEYBURN. Then I have nothing to say. I wanted to keep an eye on it if it extended over.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Irrigation and Reclamation of Arid Lands with amendments, on page 2, line 12, after the word "authorized," to strike out "to make such lease," and insert "in his discretion to make such a lease in connection with the Rio Grande project in Texas and New Mexico;" and in the

same line, before the word "years," to strike out "forty" and insert "fifty," so as to read:

Sec. 5. That whenever a development of power is necessary for the irrigation of lands, under any project undertaken under the said reclamation act, or an opportunity is afforded for the development of power under any such project, the Secretary of the Interior is authorized to lease for a period not exceeding 10 years, giving preference to municipal purposes, any surplus power or power privilege, and the money derived from such leases shall be covered into the reclamation fund and be placed to the credit of the project from which such power is derived: *Provided*, That no lease shall be made of such surplus power or power privileges as will impair the efficiency of the irrigation project: *Provided further*, That the Secretary of the Interior is authorized in his discretion to make such a lease in connection with the Rio Grande project in Texas and New Mexico for a longer period not exceeding 50 years, with the approval of the water users' association or associations under any such project, organized in conformity with the rules and regulations prescribed by the Secretary of the Interior in pursuance of section 6 of the reclamation act approved June 17, 1902.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

HEARINGS BEFORE COMMITTEE ON IRRIGATION.

Mr. KEAN, from the Committee to Audit and Control the Contingent Expenses of the Senate, to which was referred Senate resolution 344, submitted by Mr. CARTER on the 10th instant, reported it without amendment, and it was considered by unanimous consent and agreed to, as follows:

Resolved, That the Committee on Irrigation and Reclamation of Arid Lands, or a subcommittee thereof, be, and the same is hereby, authorized to employ a stenographer from time to time as may be necessary to report such hearings as may be had on bills and matters pending before said committee, and have the same printed for the use of said committee, and that such stenographer be paid out of the contingent fund of the Senate.

MARY E. HICKCOX.

Mr. KEAN, from the Committee to Audit and Control the Contingent Expenses of the Senate, to which was referred Senate resolution 342, submitted by Mr. NIXON on the 10th instant, reported it without amendment, and it was considered by unanimous consent and agreed to, as follows:

Resolved, That the Secretary of the Senate be, and he is hereby, authorized and directed to pay to Mary E. Hickcox, widow of John S. Hickcox, late a folder of the United States Senate, a sum equal to six months' salary at the rate he was receiving by law at the time of his demise, said sum to be considered as including funeral expenses and all other allowances.

OSAGE INDIANS IN OKLAHOMA.

Mr. OWEN. I should like to call up the bill (S. 10606) supplementary to and amendatory of the act entitled "An act for the division of the lands and funds of the Osage Nation of Indians in Oklahoma," approved June 28, 1906, and for other purposes, which was read several days ago.

Mr. SCOTT. Is morning business closed?

The VICE PRESIDENT. Morning business is not.

Mr. SCOTT. Then I ask that the request of the Senator from Oklahoma go over until morning business is over.

The VICE PRESIDENT. Objection is made.

Mr. OWEN. Just a moment. The bill has already been read. It is a department bill. It will require only a moment or two. I hope the Senator from West Virginia will not object.

Mr. SCOTT. I only ask for the regular order of business. I tried to get a very important bill up a few minutes ago and it was objected to.

The VICE PRESIDENT. Objection is made.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. FOSTER:

A bill (S. 10849) to authorize the city of Shreveport to construct a bridge across Red River; to the Committee on Commerce.

By Mr. FRYE:

A bill (S. 10850) granting an increase of pension to George M. Roak (with accompanying papers); to the Committee on Pensions.

By Mr. WETMORE:

A bill (S. 10851) to acquire land along the course of Rock Creek for the purpose of connecting Potomac Park with the Zoological Park and Rock Creek Park, and providing a new location for the United States Botanic Garden; to the Committee on Public Buildings and Grounds.

By Mr. LORIMER:

A bill (S. 10852) granting an increase of pension to Joseph W. Eystra; and

A bill (S. 10853) granting an increase of pension to Thomas Penwarden (with accompanying papers); to the Committee on Pensions.

By Mr. CRAWFORD:

A bill (S. 10854) granting an increase of pension to Lorentz Thoreson (with accompanying papers); and

A bill (S. 10855) granting an increase of pension to John Leister (with accompanying papers); to the Committee on Pensions.

By Mr. CURTIS:

A bill (S. 10856) granting an increase of pension to Joseph Garbison; and

A bill (S. 10857) granting an increase of pension to Joseph Antram (with accompanying papers); to the Committee on Pensions.

By Mr. PAYNTER:

A bill (S. 10858) granting a pension to Allie W. Thompson; to the Committee on Pensions.

By Mr. FLETCHER:

A bill (S. 10859) for the relief of the heirs of Matthias Leonard; to the Committee on Claims.

REGENT OF SMITHSONIAN INSTITUTION.

Mr. BACON. I introduce a joint resolution, which I ask may be considered at this time. It is for the purpose of filling a vacancy on the Board of Regents of the Smithsonian Institution, about which the regents have agreed. It will take but a moment.

The VICE PRESIDENT. The Senator from Georgia introduces a joint resolution, which will be read for the information of the Senate.

The joint resolution (S. J. Res. 145) providing for the filling of a vacancy which will occur on March 1, 1911, in the Board of Regents of the Smithsonian Institution of the class other than Members of Congress, was read the first time by its title and the second time at length, as follows:

Resolved, etc., That the vacancy in the Board of Regents of the Smithsonian Institution of the class other than Members of Congress, which will occur on March 1, 1911, by the resignation of the Hon. John B. Henderson, to take effect on that date, be filled by the appointment of Mr. John B. Henderson, jr., of Virginia.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

CONSTRUCTION OF SUBMARINE TENDERS.

Mr. FLINT submitted an amendment proposing to appropriate \$250,000 toward the construction of one submarine tender, etc., intended to be proposed by him to the naval appropriation bill, which was referred to the Committee on Naval Affairs and ordered to be printed.

RECIPROCITY WITH CANADA.

Mr. JONES (by request) submitted an amendment intended to be proposed by him to the bill (H. R. 32216) to promote reciprocal trade relations with the Dominion of Canada, and for other purposes, which was referred to the Committee on Finance and ordered to be printed.

PENSIONS TO SURVIVORS OF CIVIL AND MEXICAN WARS.

Mr. FLETCHER submitted an amendment in the nature of a substitute to the bill (H. R. 29346) granting pensions to certain enlisted men, soldiers and officers, who served in the Civil War and the War with Mexico, which was referred to the Committee on Pensions and ordered to be printed.

DECISIONS RELATING TO OYSTER TRADE.

Mr. CULLOM submitted the following resolution (S. Res. 355), which was ordered to be printed, and, with the accompanying papers, referred to the Committee on Interstate Commerce:

Resolved, That the Committee on Interstate Commerce of the Senate is hereby authorized to investigate the application of pure-food decisions Nos. 110 and 121, issued by the Pure Food Board October 14, 1909, and May 14, 1910, respectively, and report to the Senate proper measures for the relief of oyster producers and shippers under said decisions, in order that the commercial value of said commodity may not be impaired or destroyed.

SENATOR FROM ILLINOIS.

Mr. BAILEY. Mr. President, I rise to a personal statement. On Tuesday last, when I resumed the discussion of the contested-election case, I exhibited to the Senate an affidavit which the Senator from Iowa [Mr. CUMMINS] had received and which he was kind enough to loan to me. After I had commented on

it I handed it to the Senator from South Carolina [Mr. TILLMAN], who sits next to me, for examination, and that Senator handed it to some other Senator, and it was taken across the aisle. I assumed until I looked among my papers that it had been returned to my desk, but that was not done. I am satisfied that no Senator has been careless enough to mislay it, and that some Senator, after inspecting it, put it in his desk. I will ask that those who had it will make a search for it.

I not only want to return it to the Senator from Iowa, who is entitled to the possession of it, but I want to print the signature to the affidavit for comparison. I intended to do that in the speech which was printed in the RECORD this morning, but was unable to do so for the reason which I have stated. I hope the Senators who inspected it will examine their desks, and if they find it deliver it either to the Senator from Iowa or to me.

INCREASE OF PENSIONS.

Mr. SCOTT. I ask unanimous consent to call up the bill (H. R. 29346) granting pensions to certain enlisted men, soldiers and officers, who served in the Civil War and the War with Mexico.

The VICE PRESIDENT. The Senator from West Virginia asks unanimous consent for the present consideration of the bill indicated by him. Is there objection?

Mr. GALLINGER. Let it be read.

Mr. MONEY. Unless that is a local bill, I will ask the Senator from West Virginia if he will not yield to me for about three minutes, to call up a local bill.

Mr. SCOTT. Just as soon as I understand my bill has been taken up I will yield.

Mr. MONEY. I will ask the Senator if this is a public measure whether he will not yield.

Mr. SCOTT. I yield.

The VICE PRESIDENT. The Senator from West Virginia yields temporarily to the Senator from Mississippi.

DISTRICT JUDGE FOR MISSISSIPPI.

Mr. MONEY. I ask unanimous consent for the consideration of the bill (S. 10185) to provide for the appointment of a district judge in the northern and southern judicial districts in the State of Mississippi, and for other purposes. It has been favorably reported by the Committee on the Judiciary.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

INCREASE OF PENSIONS.

Mr. SCOTT. I renew my request.

The VICE PRESIDENT. The Senator from West Virginia asks unanimous consent for the present consideration of the bill (H. R. 29346) granting pensions to certain enlisted men, soldiers and officers, who served in the Civil War and the War with Mexico. Is there objection?

Mr. OVERMAN. Last night I voted to adjourn in order that the Senator from Minnesota [Mr. NELSON] might make his speech on the joint resolution then pending, with the understanding that he should make his speech to-day. I therefore object.

The VICE PRESIDENT. Objection is made.

Mr. SCOTT. I move that the bill be taken up.

The VICE PRESIDENT. The Senator from West Virginia moves that the Senate proceed to the consideration of the bill the title of which the Secretary has just read.

Mr. SCOTT. Question!

The VICE PRESIDENT. The question is on agreeing to the motion.

Mr. OVERMAN. On that I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. BEVERIDGE. Mr. President—

The VICE PRESIDENT. For what purpose does the Senator rise?

Mr. BEVERIDGE. I think—

The VICE PRESIDENT. The motion is not debatable.

Mr. BEVERIDGE. A motion to proceed to the consideration—

The VICE PRESIDENT. A motion to proceed to the consideration of a measure is not debatable.

Mr. BEVERIDGE. A parliamentary inquiry.

The VICE PRESIDENT. The Senator will state it.

Mr. BEVERIDGE. If this motion carries, will it displace—

Mr. GALLINGER. No.

Mr. BEVERIDGE. Will it displace the consideration of the business for which we adjourned?

The VICE PRESIDENT. It will not displace the unfinished business.

Mr. BEVERIDGE. Was there not unanimous consent?

Mr. BORAH. No.

The VICE PRESIDENT. The Secretary will call the roll on the question of agreeing to the motion of the Senator from West Virginia.

The Secretary called the roll; and the result was announced—yeas 49, nays 35, as follows:

YEAS—49.

| | | | |
|-------------|-------------|------------|--------------|
| Beveridge | Clark, Wyo. | Gronna | Piles |
| Borah | Cullom | Guggenheim | Richardson |
| Bourne | Cummins | Heyburn | Scott |
| Bradley | Curtis | Jones | Shively |
| Briggs | Depew | Lorimer | Smith, Mich. |
| Bristow | Dick | McCumber | Stephenson |
| Brown | Dillingham | Nelson | Sutherland |
| Burkett | Dixon | Oliver | Warner |
| Burnham | du Pont | Owen | Wetmore |
| Burrows | Flynt | Page | Young |
| Carter | Frye | Penrose | |
| Chamberlain | Gallinger | Perkins | |
| Clapp | Gamble | | |

NAYS—35.

| | | | |
|--------------|-----------|--------------|------------|
| Bacon | Culberson | Money | Stone |
| Bailey | Davis | Newlands | Swanson |
| Bankhead | Fletcher | Overman | Taliaferro |
| Brandegee | Foster | Paynter | Taylor |
| Bulkeley | Frazier | Percy | Thornton |
| Burton | Johnston | Rayner | Tillman |
| Clarke, Ark. | Kean | Simmons | Warren |
| Crane | Lodge | Smith, Md. | Watson |
| Crawford | Martin | Smith, S. C. | |

NOT VOTING—7.

| | | | |
|---------|-------------|-------|---------|
| Aldrich | Hale | Root | Terrell |
| Gore | La Follette | Smoot | |

So the motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 29346) granting pensions to certain enlisted men, soldiers and officers, who served in the Civil War and the War with Mexico.

The VICE-PRESIDENT. The Secretary will read the bill.

The Secretary read the bill, as follows:

Be it enacted, etc., That any person who served 90 days or more in the military or naval service of the United States during the late Civil War, or 60 days in the War with Mexico, and who has been honorably discharged therefrom, and who has reached the age of 62 years or over, shall, upon making proof of such facts according to such rules and regulations as the Secretary of the Interior may provide, be placed upon the pension roll and be entitled to receive a pension as follows: In case such person has reached the age of 62 years, \$15 per month; 65 years, \$20 per month; 70 years, \$25 per month; 75 years or over, \$36 per month; and such pension shall commence from the date of the filing of the application in the Bureau of Pensions after the passage and approval of this act: *Provided,* That pensioners who are 62 years of age or over, and who are now receiving pensions under existing laws, or whose claims are pending in the Bureau of Pensions, may, by application to the Commissioner of Pensions, in such form as he may prescribe, receive the benefits of this act; and nothing herein contained shall prevent any pensioner or person entitled to a pension from prosecuting his claim and receiving a pension under any other general or special act: *Provided further,* That no person shall receive a pension under any other law at the same time or for the same period that he is receiving a pension under the provisions of this act: *And provided further,* That no person who is now receiving or shall hereafter receive a greater pension under any other general or special law than he would be entitled to receive under the provisions herein shall be pensionable under this act.

SEC. 2. That the benefits of this act shall include any person who served the period of time therein specified during the late Civil War or in the War with Mexico, and who is now or may hereafter become entitled to pension under the acts of June 27, 1890, February 15, 1895, and the joint resolutions of July 1, 1902, and June 28, 1906, or the acts of January 29, 1887, March 3, 1891, February 17, 1897, February 6, 1907, and March 4, 1907.

SEC. 3. That rank in the service shall not be considered in applications filed hereunder.

SEC. 4. That no pension attorney, claim agent, or other person shall be entitled to receive any compensation for services rendered in presenting any claim to the Bureau of Pensions or securing any pension under this act.

The VICE PRESIDENT. There is one committee amendment. It will be read.

Mr. BAILEY. Is there a report with the bill?

Mr. SCOTT. There is a report. I hope it is on the Senator's desk.

Mr. BAILEY. I do not want to read it, but I want the Senate to hear it. I call for the reading of the report.

Mr. SCOTT. Will the Senator from Texas allow the amendment to the bill to be first announced?

Mr. BAILEY. I think the report ought to be read, and then the amendment can be acted on.

Mr. LODGE. Let me ask, if I may, is there no report except the House report?

The VICE PRESIDENT. There is a Senate committee report, which the Secretary will now read.

Mr. LODGE. I have tried to get the Senate committee report, but have as yet been unsuccessful.

Mr. SCOTT. I will hand a copy to the Senator.

Mr. McCUMBER. I ask that the Secretary read not only the majority report, but also the minority report.

Mr. LODGE. Yes.

Mr. BAILEY. Yes; there are two.

Mr. LODGE. For that purpose I think it would be well, if the Senator does not object, to have the amendment offered by the Senator from North Dakota [Mr. McCUMBER] read first.

Mr. BAILEY. Very well.

Mr. LODGE. And then the minority report.

Mr. SCOTT. I should like very much if Senators would allow the amendment to the original bill to be read.

The VICE PRESIDENT. The amendment of the Committee on Pensions will be read.

The SECRETARY. In section 1, page 2, line 2, before the word "dollars," strike out "thirty-six" and insert "thirty," so as to read:

Seventy-five years or over, \$30 per month.

The VICE PRESIDENT. The Senator from North Dakota proposes an amendment, which will be read.

The SECRETARY. Strike out all after the enacting clause and insert:

That section 1 of an act entitled "An act granting pensions to certain enlisted men, soldiers and officers, who served in the Civil War and the War with Mexico," approved February 6, 1907, be, and the same is hereby, amended to read as follows:

"That any person who served 90 days or more in the military or naval service of the United States during the late Civil War, and who has been honorably discharged therefrom, shall, upon application therefor, be entitled to receive a pension upon reaching the age specified in the following table, in an amount therein mentioned, according to the days or years of his service, to wit:

"Sixty-two years: Ninety days' service, \$12; 1 year's service, \$13; 2 years' service, \$14; 3 years' service, \$15; 4 years' service, \$16.

"Sixty-six years: Ninety days' service, \$13; 1 year's service, \$14; 2 years' service, \$15; 3 years' service, \$16; 4 years' service, \$17.

"Seventy years: Ninety days' service, \$15; 1 year's service, \$16; 2 years' service, \$17; 3 years' service, \$18; 4 years' service, \$19.

"Seventy-five years: Ninety days' service, \$21; 1 year's service, \$22; 2 years' service, \$23; 3 years' service, \$24; 4 years' service, \$25.

"That the same provision shall apply to the officers, soldiers, and sailors of the War with Mexico, except that 60 days' service shall entitle such officers, soldiers, or sailors to the amount that would be allowed the officers, soldiers, or sailors of the Civil War having 90 days' service."

The PRESIDING OFFICER (Mr. KEAN in the chair). The report of the committee will be read.

Mr. GALLINGER. I wish to make a suggestion to the Senator from North Dakota, whether he ought not to insert sections 3 and 4 of the original bill in his substitute, providing that rank shall not be considered and that no pension attorney or claim agent shall receive any compensation for services rendered.

Mr. McCUMBER. I will state to the Senator that my substitute does not interfere with those sections, but is a substitute for the other provisions.

Mr. GALLINGER. I think it is a substitute for the entire bill.

Mr. LODGE. The amendment proposes to strike out all after the enacting clause.

Mr. GALLINGER. I think the Senator had better modify his amendment by adding sections 3 and 4 of the original bill to it.

Mr. McCUMBER. I did not intend to strike out those sections.

The PRESIDING OFFICER. The Senator from New Hampshire offers an amendment to the amendment, which will be stated.

Mr. GALLINGER. I will move that sections 3 and 4 of the bill, to be numbered sections 2 and 3, be added to the substitute of the Senator from North Dakota, or the Senator can modify his amendment by adding those sections.

Mr. BURKETT. Would it not be better, since this is the House bill, to offer the amendment in the nature of a substitute for sections 1 and 2 of the House bill? Then we will be perfecting the House bill rather than perfecting the substitute.

Mr. GALLINGER. If the Senator wishes to put it in that form I have no objection.

The PRESIDING OFFICER. The Secretary will read the report.

The Secretary read the report submitted by Mr. SCOTT from the Committee on Pensions on the 13th instant, as follows:

The report of the Committee on Invalid Pensions of the House of Representatives, hereto appended, is adopted, and the passage of the bill is recommended when amended as follows:

On page 1, line 14, strike out the word "thirty-six" and insert in lieu thereof the word "thirty."

As the bill passed the House of Representatives it carried a rate of \$36 per month for soldiers who had served 90 days or more and who had arrived at the age of 75 years, increasing the amount above the present rate \$16 per month. In the opinion of your committee this great increase on account of greater age is not warranted, and your committee believe that a rate of \$30 per month would be more equitable in view of the fact that at the age of 70 years the rate is \$25 per month; and hence recommend making the rate at 75 years and over \$30 per month instead of \$36 as provided in the bill as it passed the House.

An estimate from the Secretary of the Interior submitted to your committee is to the effect that the reduction of this rate to \$30 per month would reduce the estimate of total cost of this bill, as set forth

in the report of the House committee, \$4,693,825 per annum, making the total cost of the bill \$40,795,643.

It might be added that a later report from the Secretary of the Interior is to the effect that owing to the fact that all claims arising under this bill could not be adjudicated the first year, it is probable that the additional cost, over and above the estimated pension appropriation, for the first year, will be about \$30,000,000, as set out in the following letter:

DEPARTMENT OF THE INTERIOR,
Washington, February 4, 1911.

SIR: Referring further to the bill (H. R. 29346) granting pensions to certain enlisted men, soldiers and officers, who served in the Civil War and the War with Mexico, I have the honor to advise you (in response to your verbal request for an estimate as to the probable amount required for the payment of pensions for each of the fiscal years ending June 30, 1912, and June 30, 1913) as follows:

It is estimated that should such a bill become a law there would be issued between the date of its enactment and June 30, 1912, some 300,000 certificates thereunder. This would cause an increase of about \$30,000,000 in the disbursements for pensions for the fiscal year ending June 30, 1912, and would require an appropriation for that year of approximately \$183,000,000.

The full effect of the bill, however, would not be felt until the second year after its enactment. It is believed that there would be issued thereunder during the fiscal year ending June 30, 1913, between 150,000 and 200,000 certificates, including the increase certificates which would be allowed on account of pensioners thereunder reaching the ages entitling them to the next higher rates. The average value of first payments on the certificates issued during the last two fiscal years was about \$52. On account of the increased rates provided by this bill the average first payments during the second year after its passage would be about \$100. In addition to the first payments the new certificates to be issued during the fiscal year 1913 would add approximately \$15,000,000 more to the disbursements for that year. The amount which would therefore be required for the payment of pensions for the fiscal year ending June 30, 1913, should this bill be enacted into law, would, according to the best information now at hand, be about \$210,000,000.

The loss to the roll on account of the death of pensioners has been fully taken into consideration in reaching the above conclusions. Such loss would be, to a great extent, overcome by the increased rates to which a large percentage of the survivors would be entitled by reason of their attaining the next higher age specified in the bill entitling them to the increased rates provided thereunder.

The height of the expenditures under this bill would be reached during the fiscal year 1913. The decrease in the first payments during the following year, together with the losses by death, would probably cause a decrease of some \$10,000,000 in the cost of pensions for the following year, and the loss to the roll by reason of death would probably cause a reduction of about \$5,000,000 per year thereafter.

Very respectfully,

R. A. BALLINGER, Secretary.

Hon. P. J. McCUMBER,

Chairman Committee on Pensions, United States Senate.

[House Report No. 1767, Sixty-first Congress, third session.]

The Committee on Invalid Pensions, to whom was referred House bill 29346, granting pensions to certain enlisted men, soldiers and officers, who served in the Civil War and the War with Mexico, having had the same under consideration, beg leave to report as follows:

This bill, if enacted into law, will grant to all persons who served 90 days or over in the Civil War or 80 days or over in the Mexican War, and who have reached the age of 62 years, a pension of \$15 per month. This is \$3 per month more than is now allowed under the act of February 6, 1907; 65 years, \$20 per month. This is a new rating. Under the existing age act there is no rating between the ages of 62 and 70 years, and your committee thinks this is unjust to the soldier, and that in his declining years, with a majority of the veterans partially or wholly unfit to perform manual labor, there should be an increase allowed at the age of 65 years; hence the recommendation of a new rate of \$20 per month; 70 years, \$25 per month. This is an increase of \$10 per month over the existing rates; 75 years of age, \$36 per month, being an increase of \$16 per month over the amount now allowed under the maximum rate of the age act.

Congress in the last few years has become practically a pension bureau. With old age and its attendant infirmities creeping upon the survivors of both the Civil and Mexican Wars, there is not a Member of either branch of Congress who is not besieged with hundreds of the most deserving and pitiable cases where the beneficiary is pleading for relief by special act, there being no existing law to cover these distressing cases. The Pension Committees of Congress, working by night and by day, have been able to bring relief to a few thousand soldiers, yet in comparison with the thousands who are still knocking at its doors for help, it is but a drop in the bucket. In this Congress alone there has been referred to the two Pension Committees of the House of Representatives more than 20,000 bills for private pensions. Among this vast number are thousands of blind, paralyzed, bedridden, and pain-racked soldiers with long and honorable records, whose cases can never be reached under the present system, and who will be obliged to pass their last days in misery and want.

Your committee feels that the time has come when there should be something done to relieve the Pension Committees of Congress from the tremendous amount of work that confronts them; that instead of taking up the few cases that the committees can possibly consider, all soldiers should be put upon an equal footing, and in their few remaining years equal justice should be meted out to all. The so-called McCumber Act of February 6, 1907, has proven a great blessing to the soldiers, but all must admit that it has not lessened the work of Congress in dealing with private pension cases. Your committee feels that the time has come when Congress should enact general legislation that will reduce private pension legislation to a minimum; that specific rates should be allowed sufficient to care for the soldier in his old age, so that his last days may be days of peace and contentment; that a law should be passed with the rates sufficiently equitable and just that there will not be a demand or need of any general legislation along these lines for many years to come.

If anything is to be done further in the line of legislation for the soldiers it must come soon. The services they rendered can not be measured by dollars or cents or by any pecuniary emolument, and the least this great Nation can do is to see that they are comfortably cared for in their few remaining years. With over 100 of them dying every 24 hours, or at the rate of over 3,000 a month, the ranks are fast be-

coming depleted. The average age of the soldier is now between 65 and 72 years. Of the 450,000 on the rolls under the age act, nearly 300,000 are estimated to be between the ages mentioned above. These men are practically beyond the years of manual labor, and thousands of them, as every Member knows by personal contact, are practically hopeless and helpless invalids. If the veterans are to be helped at all they should be helped sufficiently so that they will not be obliged to appeal immediately to Congress for special legislation in order that they may secure for themselves relief sufficient to purchase the absolute necessities of life. The country can afford to give this increase to the old veterans, as it has grown wealthy and powerful on account of the services they rendered.

According to the information furnished your committee by the Commissioner of Pensions, the estimated cost of carrying out the provisions of this proposed bill is as follows:

| Age. | Increase per month. | Number. | Annual increase. | Amount. |
|---------------|---------------------|---------|------------------|----------------|
| 62 years..... | \$12 to \$15 | 93,589 | \$36.00 | \$3,369,204.00 |
| 65 years..... | 12 to 20 | 184,577 | 96.00 | 17,719,392.00 |
| 70 years..... | 15 to 25 | 101,778 | 120.00 | 12,213,350.00 |
| 75 years..... | 20 to 36 | 63,461 | 192.00 | 12,187,512.00 |
| Total..... | | | | 45,489,458.00 |

While these estimates add a large sum to the present pension appropriation, yet it is necessary to do this if we are to bring the pension of the soldier to a point where Congress will be relieved of a vast amount of special pension legislation, and if an amount is given to the veteran sufficient to properly care for him, even in the plainest way, in his old age. With these facts in view, the passage of the bill is therefore recommended.

Mr. McCUMBER. Mr. President, I withdraw my request for the time being for the reading of the minority report for the reason that I am afraid that some Senators will lose the principal features in the report on account of the large number of tables that are inserted therein for their further investigation. I want to place this matter just as clearly as I can in a very few minutes before the Senate, so that Senators can understand the proposition as it is now before them.

Mr. President, let us remember now that under the present service-pension law—and the pending bill is a service-pension bill only—there are three rungs in a ladder of progression upon which are based the amount which will be received by the soldiers at certain ages. They are as follows: Those who have served 90 days and are 62 years of age are receiving \$12 per month; those who are 70 years of age are receiving \$15 a month; and those who are 75 years of age are receiving \$20 per month.

The Grand Army of the Republic have a committee called the committee on pensions and legislation. That committee at the encampment of the Grand Army of the Republic in August last, I believe, passed a resolution declaring what they believed to be a fair and just pension law and recommended a bill accordingly. In that bill, which relates to those who have served 90 days, or any length of time beyond that, they have placed an additional rung in this ladder of progression, and provided that those who are 62 years of age are to receive \$12, which is the same as they are receiving now; when they reach the age of 66 years, under that recommendation, they would receive \$15; at 70 years, \$20; and at 75 years, \$25. In other words, the 62-year-old men would be upon the same plane that they are now; the 66-year-old men would be raised from \$12 to \$15; the 70-year-old men from \$15 to \$20; and the 75-year-old men from \$20 to \$25.

Mr. CRAWFORD. Mr. President—

The PRESIDING OFFICER. Does the Senator from North Dakota yield to the Senator from South Dakota?

Mr. McCUMBER. Certainly.

Mr. CRAWFORD. Is the Senator discussing the minority report?

Mr. McCUMBER. I am discussing now what the Grand Army of the Republic requested of Congress at its last meeting.

This would require, Mr. President, an appropriation, according to the estimate of the department, of \$17,210,992. In round numbers it would require an addition of \$17,000,000 to the pension rolls, and would require an appropriation to meet it of that amount.

Following the Grand Army of the Republic bill, which was introduced in the Senate by me, came the Sulloway bill. The Sulloway bill raises the 62-year-old men from \$12 to \$15 per month, the 65-year-old men from \$12 to \$20 per month, the 70-year-old men from \$15 to \$25 per month, and the 75-year-old men from \$20 to \$36 per month. We have reduced that by striking out "thirty-six" and inserting in lieu thereof the word "thirty," so that the 75-year-old man will receive, if the Sulloway bill passes as proposed to be amended, only \$30 per month.

Mr. BROWN. Mr. President—

The PRESIDING OFFICER. Does the Senator from North Dakota yield to the Senator from Nebraska?

Mr. McCUMBER. Certainly.

Mr. BROWN. The only difference between the bill as reported by the committee on the Sulloway bill is the reduction from \$36 to \$30?

Mr. McCUMBER. For the soldier who has reached the age of 75 years.

Mr. BROWN. And in other respects it is the same?

Mr. McCUMBER. In other respects it is the same.

Mr. GAMBLE. Mr. President, I desire to make an inquiry of the Senator.

The PRESIDING OFFICER. Does the Senator from North Dakota yield to the Senator from South Dakota?

Mr. McCUMBER. Certainly.

Mr. GAMBLE. How many veterans who are now drawing pensions and who are 75 years of age would this affect?

Mr. McCUMBER. If I remember—it is stated in the report—something over 50,000.

Mr. CURTIS. Sixty-three thousand four hundred and sixty-one.

Mr. McCUMBER. The number is stated in the report.

Mr. CRAWFORD. Mr. President—

The PRESIDING OFFICER. Does the Senator from North Dakota yield to the junior Senator from South Dakota?

Mr. McCUMBER. I yield, but I would rather the Senator would let me boil my statement down clearly so that Senators can understand it, and then I can go into details.

Mr. CRAWFORD. I will not take the Senator's time to any great extent. I want to get as much information as I can out of the statement of the Senator from North Dakota.

Mr. McCUMBER. I yield to the Senator.

Mr. CRAWFORD. Neither the Sulloway bill nor the substitute fixes the rate as low as the Grand Army itself recommended at its last encampment.

Mr. McCUMBER. Under the proposed substitute the rates are lower in some cases and higher in others; but neither the Sulloway bill nor the Sulloway bill with the amendment of the committee makes the rates lower.

I have explained the Sulloway bill. It will require, according to the estimate of the Department of the Interior, for the year 1912 an additional appropriation of \$30,000,000; it will require in 1913 an additional appropriation of \$45,000,000, in round numbers, over and above what would be allowed without the enactment of the bill.

Mr. President, there was considerable complaint by the old soldiers about—

Mr. LODGE. May I ask the Senator a question before he leaves the Sulloway bill?

The PRESIDING OFFICER. Does the Senator from North Dakota yield to the Senator from Massachusetts?

Mr. McCUMBER. Certainly.

Mr. LODGE. I have heard it stated as coming from the department that the Sulloway bill as it passed the House would add in 10 years an expenditure of \$400,000,000.

Mr. McCUMBER. Mr. President, I do not think that is true. I think that it is impossible for that to be true, because the report of the Commissioner of Pensions is to the effect that in the third year there would be a shrinkage of \$5,000,000 and probably \$5,000,000 a year thereafter for several years.

Mr. LODGE. The Senator has stated—and that is what called my attention to it—that in 1913 it would require \$45,000,000. Now, would it, over a period of 10 years, average as much as \$40,000,000?

Mr. McCUMBER. I have not made that estimate, Mr. President; I think not; but I prefer now to just explain this matter clearly, and then I will take that up.

Mr. President, on account of some complaint and after considerable correspondence with members of the Grand Army of the Republic, I introduced a substitute for the Sulloway bill. That substitute adopted a double standard of measurement of pensions. Under that the man 62 years of age, if he had served 90 days, still receives his \$12; and, in fact, I have not raised the 90-day man under this substitute in any instance except a dollar a month on the soldier who has arrived at the age of 70 years and a dollar a month on those who have arrived at the age of 75 years. So under this the soldier who is 62 years of age and has served 90 days will receive a pension of \$12 per month. If he is 66 years of age he will receive \$13 a month; 70 years of age, \$15 a month; and 75 years of age, \$21 a month; and for each additional year there will be allowed a dollar a month in addition to what he would receive for the 90 days' service.

For instance, I have before me a letter from a member of one of the posts that I am acquainted with. He recites that he is yet under 70 years of age; that he is receiving \$12 a month; that he served four years and some months; that there are four other members of his post who served but a trifle over 90 days, but who came in at the close of the year when we were pressed for men, and who were older than the average soldier, who are receiving \$20 a month now, and under the Sulloway bill would receive \$36 a month, while the man who served the four years would be receiving \$15 a month.

To cure that we have adopted this double standard, which will take into consideration not only the age but also the service of the soldier, and will to a certain extent eliminate those conditions which seem to act unjustly.

I want to call attention to what this means to the Treasury of the United States. While under the Sulloway bill it would require but \$30,000,000 the first year, it would require about \$45,000,000 the second year in addition to what would be granted without any additional laws. Under this provision there would be required \$8,439,148; say, in round numbers, \$8,500,000.

I want to call attention to the fact that this would all be the first year. The next year there would be a decrease of about \$2,000,000, and \$2,000,000 annually thereafter. But here is the more important feature that I want Senators to look at for a single moment, and that is this: The pension estimate for the year 1912 is \$153,638,000. If we add to that what would be required to take care of all of the cases under the proposed amendment we would appropriate \$162,063,000 in round numbers.

I want to call attention right here that in 1909 we used \$164,826,000 for paying pensions and the costs incident to the running of the pension department. In other words, to carry out this law we would need \$2,763,000 less than we used in 1909. There would be a saving of over \$2,000,000 instead of an addition.

Now, in 1910 we used—

Mr. NELSON. Mr. President—

The PRESIDING OFFICER. Does the Senator from North Dakota yield to the Senator from Minnesota?

Mr. McCUMBER. Yes.

Mr. NELSON. That saving arises from the deaths that have occurred.

Mr. McCUMBER. Yes, certainly; the saving arises entirely from the deaths.

Mr. NELSON. Among the old soldiers?

Mr. McCUMBER. Yes. I have called attention to the fact that we have estimated for only \$153,638,000 to carry out the requirements of pensions for the ensuing year.

I call attention of Senators again to the fact that in 1910 we paid \$162,631,729, or \$162,500,000 in round numbers. This amendment would require but \$162,000,000, or \$568,000 less than we used to pay pensions in 1910.

The only question then is, to what extent we ought to go in order to meet the requirements and the demands of the surviving veterans of the Civil War. I call attention to the fact that in this amendment we have in several instances granted to those who have had the longer service more than would be granted under the bill that was recommended by the Grand Army of the Republic, and we have granted as much in every instance under this bill as the highest amount that was asked by the Grand Army of the Republic.

The only difference is this: That while some of the 90-day men and one-year men and less-than-one-year men would receive \$25 under the bill that was recommended by the Grand Army of the Republic, they will not receive this unless they served four years, and only \$24 a month if they served but three years, and the 90-day men are given \$1 a month more than they are receiving under the present bill.

Mr. President, the question that is appealing to me is the question of our financial condition; the question whether or not, considering the state of the Treasury of the United States and what it probably will be at the end of the year, we should add thirty to fifty million dollars to the pension roll.

While I believe that the time is coming, and should come, when every soldier who has reached the age of 70 years should receive \$30 a month—even more than is granted by the Sulloway bill—my conviction is that if we can not reach that by a single step, we ought to try to reach it by successive steps, and enact, if we can, a bill that will be accepted by both branches of Congress and by the President of the United States, and which will give adequate relief to the soldiers of the Civil War under the present conditions.

I am not at all concerned about the idea that anything will be the last general legislation that we shall have; that any one act will be the limit of the action of the Congress of the United States. I believe if we can once get on a more equitable basis that will be established by this double standard we can increase the pensions next year a dollar more, the next year a dollar more; and we will very soon reach the full amount, and more than the amount that would be required to fulfill the demands of the Grand Army of the Republic.

Mr. CURTIS. Mr. President—

The VICE PRESIDENT. Does the Senator from North Dakota yield to the Senator from Kansas?

Mr. McCUMBER. I do.

Mr. CURTIS. The Senator from North Dakota forgets that the soldiers are dying at the rate of about 5,000 a month.

Mr. GALLINGER. Oh, no.

Mr. SCOTT. Five thousand died in December.

Mr. McCUMBER. The deaths were about 35,000 last year.

Mr. GALLINGER. That is right.

Mr. McCUMBER. The deaths last year were about 35,000; and I agree with the Senator from West Virginia that there were nearly 5,000 in December.

Mr. SCOTT. Yes; at least those are the figures I got. But apparently the soldiers are not dying fast enough to suit some of the Senators. They want to reduce this appropriation, and the veterans are not dying fast enough. They are dying at the rate of one every 11 minutes. Several have died since we took up this bill.

Mr. McCUMBER. That is true—

Mr. FLETCHER. Mr. President—

The VICE PRESIDENT. Does the Senator from North Dakota yield to the Senator from Florida?

Mr. McCUMBER. Yes.

Mr. FLETCHER. I desire to ask the Senator how it is, if they are dying at the rate he mentions, the pension rolls keep increasing?

Mr. CURTIS. The pensions have not been increasing; they have been decreasing. The Spanish-American War veterans who are justly entitled to pensions have been added to the roll, in addition to those of the Civil War.

Mr. LODGE. I think it is a correct statement that as the pensioners have diminished the pension appropriations have increased.

Mr. SCOTT. The Senator from Kansas answered that by saying survivors of the Spanish-American War have been added.

Mr. LODGE. I do not think he did answer it. I think I can demonstrate it by the figures.

Mr. CURTIS. The Senator from North Dakota has just read a statement of the reductions that have been made in the last three years. In 1909 there was \$164,826,287.50 disbursed for pensions, while the amount carried in the bill for the coming year amounts to \$153,000,000.

Mr. LODGE. Here is the proposition: With the rapid death rate that has been spoken of, the face of this report shows that the appropriations in three years will reach \$210,000,000, the highest ever known.

Mr. CURTIS. That estimate was made on the original bill, and does not give the correct figures on this bill. The highest figure placed under this bill is an increase of \$40,000,000 next year. This year only \$30,000,000 will be required if the bill is enacted into law as reported from the committee.

Mr. SCOTT. That is right.

Mr. CURTIS. Senators talk about the funds. We will have on the 1st day of July in the general fund about \$100,000,000. There is no earthly excuse for delaying action on this bill.

Mr. LODGE. I do not pretend to know the details of pension expenditures; I propose to look into them; but I do know that there is no surplus in the Treasury such as the Senator has described. There will never be such a surplus in the Treasury. We are about to issue bonds now to pay for the Panama Canal.

Mr. CURTIS. I desire to read from a statement of the Secretary of the Treasury showing there will be a surplus on the 1st of July of nearly \$16,000,000 as estimated, and there was a total balance in the general fund on February 9, 1911, of nearly \$85,000,000; and if you can issue bonds to build the Panama Canal, why not, if necessary, issue bonds to pay just pensions to the soldiers who preserved the Union and upheld this Government of ours?

Mr. McCUMBER. I am interested, Mr. President, in getting through both Houses of Congress a pension law that will be signed by the President of the United States and become a law at this session. I have stated that if this amendment which I propose does not prevail I still will vote for the bill as it was reported by the majority of the committee.

Mr. NELSON. Will the Senator allow me a question?

Mr. McCUMBER. Certainly.

Mr. NELSON. Does the Senator's substitute—I have not followed it—make any difference between those soldiers who served only three months and those who served a longer period—a year, or two years?

Mr. McCUMBER. That is just exactly what I have been explaining, that it adds a dollar a month for each additional year of service. It takes the 90-day man and leaves him exactly the same as he is to-day, with the exception that if he is 66 years of age he is to receive a dollar a month more than to-day, and if he is 75 years of age a dollar more than he would receive to-day.

Mr. NELSON. Fifteen dollars, then?

Mr. McCUMBER. Under the 90-day proposition; then, for each additional year, each soldier that would come under these subdivisions would be allowed a dollar a month extra, until the four years would give him \$4 a month more than he is receiving now. The 3-year man would receive \$3 a month more than he is receiving now; and the 2-year man \$2 more, and so on.

Mr. NELSON. This would increase the 90-day man—that is, those that had reached the age limit—up to \$15.

Mr. McCUMBER. No; not the—

Mr. NELSON. If he has attained the age of 75 years—

Mr. McCUMBER. If he is 75, he gets \$21.

Mr. NELSON. Twenty-one dollars?

Mr. McCUMBER. Twenty-one dollars, if he is 75 years of age.

Mr. NELSON. And the bill makes no difference between a man who is a millionaire and a man who really needs it. They all get it alike?

Mr. McCUMBER. We have under all of the bills entirely eliminated all matter of physical disability and of financial ability in the consideration of a purely service pension roll.

Mr. GALLINGER. Mr. President—

The VICE PRESIDENT. Does the Senator from North Dakota yield to the Senator from New Hampshire?

Mr. McCUMBER. With pleasure.

Mr. GALLINGER. In the House report on the Sulloway bill there is a sentence which appeals to us all. It reads:

Among this vast number are thousands of blind, paralyzed, bed-ridden, and pain-racked soldiers, with long and honorable records.

I will ask the Senator from North Dakota if his committee has ever taken into consideration the propriety or desirability of presenting a bill that would take care of those who are in this condition of extreme physical disability, taking care of that class that most needs pensions from the Government? These bills that are before us do not make any difference between the man who is well and the man who is broken in health, some of them requiring the constant aid and attendance of another. They make no difference between the man who has a million dollars and the man who has not a penny.

I have thought for a long while that it would be a wise thing if the committee would take up the matter of giving the large pensions to the men who are in the hopeless and helpless condition that the House committee represents as having overtaken a great many of the soldiers.

Mr. McCUMBER. I will answer that in just a moment. I want now to present another matter in answer to the feeling, possibly, on the part of some veterans of the Civil War that we are not progressing rapidly enough in the increases on general pension legislation.

I call attention to the fact that for 17 years—from June 27, 1890, until February 6, 1907—there was no general pension legislation whatever, and since that time, in the last four years, we have enacted the following legislation: The act of February 6, 1907, which increased the amount annually distributed among the pensioners \$16,000,000; the act of April 9, 1908, which increased the amount that was given to the widows of soldiers \$13,000,000; and if this act or the substitute which I propose should pass we would have increased the amount about \$8,500,000 more, making in all about \$38,000,000 increase within the last four years.

I think we have been advancing quite rapidly along in that direction and that we will be able to meet the exigencies of the demands of the soldiers probably as rapidly as they will arise.

Right here I wish to answer the Senator from New Hampshire [Mr. GALLINGER]. We have eliminated—

The VICE PRESIDENT. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. A joint resolution (S. J. Res. 134) proposing an amendment to the Constitution providing that Senators shall be elected by the people of the several States.

Mr. BORAH. Mr. President, I understand that at 2.30 other business has been provided for and that the Senator from Minnesota [Mr. NELSON] does not care to enter upon the discussion at this time, as he would not be likely to have time to close.

Mr. NELSON. I would not have time to finish my remarks before the time set for the eulogies.

Mr. BORAH. I ask unanimous consent that we may take up the joint resolution upon Monday immediately after the reading of the Journal, and that we may vote upon the Sutherland amendment at 2 o'clock on that day.

The VICE PRESIDENT. The Senator from Idaho asks unanimous consent that the unfinished business be taken up on Monday—did the Senator say immediately after the reading of the Journal or after the morning business?

Mr. BORAH. After the reading of the Journal, in order to give the Senator from Minnesota ample time.

The VICE PRESIDENT. And that a vote be taken on the Sutherland amendment at 2 o'clock?

Mr. BORAH. At 2 o'clock.

The VICE PRESIDENT. That is as far as the request goes?

Mr. BORAH. That is as far as the request goes.

Mr. McCUMBER. I wish the Senator would not urge that request. The Senator from Minnesota wishes to be heard on the joint resolution. I will undoubtedly submit some few remarks on the same proposition. It would not give us time before we would be compelled to vote upon it. The time allowed might be entirely consumed by the Senator from Minnesota in the manner in which he desires to discuss it.

Mr. SCOTT. At what hour did the Senator from Idaho ask that the vote be taken?

Mr. McCUMBER. At 2 o'clock.

Mr. SCOTT. Why not say on that day?

Mr. McCUMBER. There are eulogies on that day. If the Senator would fix it for Tuesday or Wednesday, I would have no objection.

Mr. BORAH. I am unable to put it on Tuesday, because there are other matters which have been assigned for that day; that is, the record is closed for that day, practically. I would be willing to extend it until 2.30 p. m. That would give sufficient time.

The VICE PRESIDENT. The Chair calls the attention of the Senator from Idaho to the fact that at 2.30 the Senator from Virginia [Mr. MARTIN] has given notice he will ask the Senate to consider resolutions commemorative of the memory of the late Senator DANIEL and the late Senator McENERY.

Mr. KEAN. Say at 2.20.

Mr. BORAH. I will ask that it be fixed at 2.20, then. That will give us time to take a vote.

The VICE PRESIDENT. The Senator from Idaho asks unanimous consent that immediately after the reading of the Journal on Monday the unfinished business of the Senate be taken up, and that at 2.20 on that day a vote be taken on the Sutherland amendment. Is there objection?

Mr. McCUMBER. I think I will have to object to a time on that day.

The VICE PRESIDENT. Objection is made.

Mr. BORAH. I ask then that we proceed with the unfinished business.

The VICE PRESIDENT. The unfinished business is before the Senate as in Committee of the Whole. Does the Senator from North Dakota desire to proceed?

Mr. SCOTT. I should like to say a few words in reply to the Senator from North Dakota.

Mr. McCUMBER. I have not finished.

Mr. SCOTT. Then go ahead.

Mr. McCUMBER. I do not like to speak on one subject when another one is before the Senate. Must I finish on the joint resolution the brief statement I was about to make?

Mr. SCOTT (to Mr. McCUMBER). Ask to lay it aside.

Mr. BORAH. I do not understand that I can control the subject upon which the Senator desires to address his remarks. The joint resolution being before the Senate, if the Senator desires to talk on the subject on which he has been talking he may do so.

Mr. McCUMBER. Would not the Senator agree to let the joint resolution be temporarily laid aside until I finish?

Mr. BORAH. No; that is not necessary.

Mr. LODGE. It is not necessary to do that.

Mr. McCUMBER. Very well; I will finish what I had to say. I rather dislike to do it, as another subject is before the Senate, but I wanted to answer the question by the Senator from New

Hampshire [Mr. GALLINGER], in which he wished to know whether I had proposed any general legislation that would take care of the poor and absolutely destitute veterans of the Civil War.

Mr. President, in the year 1910 we took care of over 6,000 cases of destitution by private pension legislation. This year we will take care of about 3,000 cases of destitute soldiers. If I may have the attention of Senators, because many of them seem to be restive under this private pension legislation and feel that it is simply looting the Treasury of the United States, it is probably fair for me to say that in no case have we ever voted enough money in private pension bills to amount to a million dollars in a single year. The greatest amount that we have ever voted was in the year 1910, in which we added about \$850,000 by reason of private pension legislation. In an ordinary year we vote about the same as we will vote this year, an average of 3,000 cases. Of the amount that would be required to give the additional pensions for the 3,000 cases there will be an equal amount lost by the death of those to whom we have granted private pensions; in other words, the increase by private pension legislation is taken care of by the death of those who have been recipients of that legislation.

Now, let me call attention to another matter, and it is in answer to the proposition I have seen in the press of the country to the effect that the private pension legislation evidences simply a desire of Senators and Representatives to take care of some of their particular friends. This is met and answered and refuted by the fact that last year there were 70 deaths out of every 1,000 pensioners generally, and there were 150 deaths out of every 1,000 of those granted relief under private legislation. In other words, the death rate is more than twice as great in those cases where private pensions have been granted as in the other pension cases. All this shows that we are trying, as near as we can, to meet those cases where relief is required.

The Senator from New Hampshire asked me if we are considering legislation for those extreme cases that he has mentioned. In answer to that I reply that nearly 400 Congressmen and more than 90 Senators by bills which they introduce in Congress are taking care of every one of the most destitute cases; and I believe, Mr. President, if there is a single old soldier destitute and hapless whose case has not been taken care of amply by the Committee on Pensions of the two Houses a telegram to the chairman of either of those committees would bring speedy relief.

Mr. GALLINGER. Mr. President—

The VICE PRESIDENT. Does the Senator from North Dakota yield to the Senator from New Hampshire?

Mr. McCUMBER. I do.

Mr. GALLINGER. I think the Senator does not quite state that matter accurately. The report from which I read, made by a Member of the House of Representatives, represents that 20,000 private pension bills have been introduced during this Congress. We will pass a very small proportion of those. So we do not amply take care of all the cases of extreme destitution and suffering, and in the very nature of things we can not do it.

Mr. McCUMBER. But the Senator is assuming that every one of those cases represents destitution.

Mr. GALLINGER. I assume that no Senator would introduce a private pension bill unless it was in a case of destitution or extreme suffering. I would not, and I have not done so.

Mr. McCUMBER. I wish that all followed the same rule as the Senator from New Hampshire, but unhappily that does not seem to be the rule which has governed. The pension bills have been introduced, and it is left for the committees to weed out the poor ones and take the most worthy cases.

Mr. GALLINGER. Now, Mr. President, one other question, if it will not disturb the Senator.

Mr. McCUMBER. Not at all.

Mr. GALLINGER. Some 10 years ago I offered an amendment, I think to the pension appropriation bill, that I thought was in the interest of the soldiers and in the interest of the Treasury of the United States. It was to cut off from pensions the young women who are marrying the old soldiers 50 years after the war. We are going along that same road to-day. We have on the pension roll now several thousand widows of soldiers of the War of 1812.

If we continue to pension that class of widows, we will have on the pension roll 50 or 60 years from now widows who had no relation whatever to the war. It seems to me that we ought to purge the pension roll to that extent if it possibly can be done.

I hope the committee, in its wisdom, in the near future will take that matter into consideration and see if we can not at

least save some money in that direction and give it to the poor, destitute, and suffering soldiers who served their country on the battle field.

Mr. McCUMBER. Mr. President, I am very glad to have the Senator ask that question of me, so that it may be made clear to the Senate. My first answer is that no widow is entitled to draw a pension if she married since 1890 unless she can prove that the soldier's death was due to wound or disease of service origin.

Mr. GALLINGER. Eighteen hundred and ninety. That is not true of—

Mr. McCUMBER. It is under the general law. The law of 1890 only allows pensions to widows who were married prior to that date. That is a service law only.

But, Mr. President, here is a matter which I want Senators to consider right in connection with the question asked by the Senator from New Hampshire. There are a great many practically young women who are marrying old soldiers who still wear gold braid and shoulder straps. There are very few of them who are marrying the old veterans who walked down in the ditch and did the fighting for the country; but the young widows who are drawing the pensions were in nearly every instance the wives of officers. Encouraged by the Senate of the United States, against the kindly advice of the chairman of the Committee on Pensions, we have granted them a private pension when they were not destitute and did not need it, and when they should not have been granted any private pension whatever. So every other one now, just as soon as there is the death of an officer, immediately comes in and demands private legislation in her favor.

I agree with the Senator that we ought to eliminate those cases, but I have not had a great deal of encouragement on the part of the Senate in eliminating those cases, because these private pensions laws are passed over my objection and against my protest.

Mr. President, I hope that we will forever keep out of the pension legislation any provision relating either to physical condition or financial condition. We have seen the frauds that were practiced under it. We have seen cases where the honest man, who would not stretch his imagination a quarter of an inch in order to secure a pension, is denied, while the man of greater elasticity of conscience is able to slide in and get a pretty good pension by showing that his physical condition or his financial condition is worse than that of the other.

We have eliminated both those provisions, and we have made the pension roll a roll of honor, without any sort of poverty or penury. I hope it will remain exactly in that condition.

Mr. President, I am going to offer this substitute, with the idea that if we can pass it into a law we will greatly subserve the interests of the veterans of the Civil War, and if we carry the amendment I am then constrained to believe that we will be able to secure legislation at this session.

Mr. OVERMAN. May I ask the Senator a question for my own information?

Mr. McCUMBER. Certainly.

Mr. OVERMAN. Is there a soldier who served as much as 90 days not receiving a pension now or not entitled to it under the law?

Mr. McCUMBER. Will the Senator repeat his question?

Mr. OVERMAN. Is there a soldier who fought in the Union Army and served as much as 90 days who is not getting a pension to-day or is not entitled to one under the laws as they are now?

Mr. McCUMBER. Every one of them is entitled to a pension. There are a great many who have not availed themselves of the right and who are not drawing pensions.

Mr. GALLINGER. They are receiving pensions without reference to whether, then, they incurred any disability whatever in the service.

Mr. President, for the purpose of having the record correct, I questioned the accuracy of the statement made by the Senator from West Virginia that 5,000 soldiers of the Civil War died last month.

Mr. SCOTT. No; in December, I said.

Mr. GALLINGER. In December. I have asked the Commissioner of Pensions to give me the figures on that subject, and he has just informed me over the telephone that the number of soldiers who died during the month of December is 2,718 and the number of deaths in January is 3,479, which, he says, is considerably above the average. It is a large fatality, but it is not quite fair that it should go to the country that 5,000 soldiers died in December when really less than half that number died during that month.

Mr. SCOTT. I want to say to the Senator from New Hampshire that those are the figures which were furnished me,

whether they were correct or not, and I think the Senator from Kansas [Mr. CURTIS] got the same figures.

Now, this 90-day business appears to be a kind of stumbling-block. As you know, we have the Scripture for saying that those who were hired about the eleventh hour were entitled to the same pay as those who had borne the heat and burden of the day. I have here the data regarding a regiment that went into the service from Massachusetts. The Senator refers to the inequalities and possible injustices from making the basis of the bill 90 days, and much has been said about the 90-day and other short-term men. An examination of the records of the War Department will show that many of the regiments got into more fighting and suffered severer losses in a few months than other regiments did in three years of service.

An illustration is pertinent here as to the Fifty-seventh Massachusetts Regiment, which left Boston Common April 18, 1864, which was pretty late in the war. It mustered 1,052 men. It marched directly into the awful fighting of the Wilderness, where it lost 200 men. Every day thereafter it was under fire, losing more or less, until by the time of the Battle of Poplar Spring Church, September 30, 1864, it had lost 802 of the 1,052 in killed or wounded. It could only muster 70 men under its colors, but they went into the fight and four of those survivors were killed in that battle. I think that is argument enough for the 90-day men.

Mr. OVERMAN. Have they not all been given pensions? They were in the service for more than 90 days.

Mr. SCOTT. I will say to the Senator from North Carolina they have not all received pensions. I sincerely hope they will all get pensions.

Mr. OVERMAN. I say so, too.

Mr. SCOTT. And I will do everything in my power to get pensions for them.

Mr. OVERMAN. So will I.

Mr. SCOTT. They served for \$4.60 a month, that being the value of the depreciated currency in which they were paid when getting \$13. The Senator's own State gives the Confederate soldiers pensions. Why should he object to paying a pension to those who wore the blue? I will go to North Carolina and help him pay pensions. There are 3,000 veterans of the Mexican War, all of them over 83 years old. Some of the very best people in the Senator's State are appealing to me to help get this bill through. Look at the territory the War with Mexico gave us. I believe it was an unjust war, and it ought never to have taken place, but look at the territory we acquired. Yet here you are refusing to increase the pensions of the 3,000 men who are left, all of them over 83 years of age. It is an outrage and a disgrace to this great country of ours.

Mr. OVERMAN. Mr. President, I want to say to the Senator I have never failed to vote for a pension. I was on the Pension Committee for three years; I have been here eight years, and I have voted for every pension bill. Every man in the regiment to which the Senator referred is getting a pension to-day who is entitled to a pension under the law.

HOOR OF MEETING ON MONDAY.

Mr. BORAH. I move that when the Senate adjourns to-day it adjourn to meet on Monday at 11 o'clock.

The motion was agreed to.

ELECTION OF SENATORS BY DIRECT VOTE.

The Senate, as in Committee of the Whole, resumed the consideration of the joint resolution (S. J. Res. 134) proposing an amendment to the Constitution providing that Senators shall be elected by the people of the several States.

Mr. BORAH. I ask unanimous consent that when we meet upon Monday, immediately after the morning business, we take up the joint resolution now before the Senate and proceed with its consideration.

Mr. GALLINGER. After the routine morning business?

Mr. BORAH. After the routine morning business.

Mr. McCUMBER. I ask the Chair to state the request.

The VICE PRESIDENT. The Senator from Idaho asks unanimous consent that immediately following the disposal of the morning business on Monday the Senate shall take up for consideration Senate joint resolution 134.

Mr. McCUMBER. We have just agreed to a motion to meet at 11 o'clock on Monday. The Committee on Finance will meet that day for hearings and will have hearings through Monday and Tuesday. I will not say that the hearings will continue all day long, but there will be hearings on those days. The committee will meet at 10 o'clock, and as it could not possibly be through by the time the Senator suggests I feel disposed to object to the unanimous consent.

Mr. BORAH. Very well.

The VICE PRESIDENT. Objection is made.

Mr. BORAH. I give notice, so that the Senate may be informed, that upon Monday, immediately after the routine morning business, I will move to take up the joint resolution.

Now, in view of the fact that the hour has practically arrived for eulogies, I ask unanimous consent that the unfinished business be temporarily laid aside.

The VICE PRESIDENT. The Senator from Idaho asks unanimous consent that the unfinished business be temporarily laid aside. Is there objection? The Chair hears none.

SENATOR FROM ILLINOIS.

Mr. LORIMER. Mr. President, I desire to submit to the Senate some remarks on my election to this body. I therefore make a request for unanimous consent that I may proceed on Wednesday immediately after the routine morning business.

The VICE PRESIDENT. Is there objection? The Chair hears none.

MEMORIAL ADDRESSES ON THE LATE SENATORS CLAY AND DOLLIVER.

Mr. BACON. Mr. President, I offer the resolutions which I send to the desk.

The VICE PRESIDENT. The resolutions will be read.

The resolutions (S. Res. 357) were read, considered by unanimous consent, and unanimously agreed to, as follows:

Resolved, That the Senate has heard with profound sorrow of the death of the Hon. ALEXANDER STEPHENS CLAY, late a Senator from the State of Georgia.

Resolved, That as a mark of respect to the memory of the deceased the business of the Senate be now suspended to enable his associates to pay proper tribute to his high character and distinguished public services.

Resolved, That the Secretary communicate a copy of these resolutions to the House of Representatives and transmit a copy thereof to the family of the deceased.

Mr. BACON. Mr. President, it was a sad meeting of Senators when Congress convened in December last. As they gathered in this Chamber there were four vacant seats, four names absent from the roll.

Since the end of the former session, and in the interval of five short months, four who were Members of this body and so long familiar to these scenes had passed away and gone to their final rest.

As the Vice President announced the close of the session in June he said, "Please God, that when the Senate assembles again next December we shall all be here." The echo of his fervent wish had scarcely died away before the veteran McENERY received his death stroke while still upon the railroad train that only bore him to his home in time to die among his loved ones. And then within five days thereafter passed from earth the knightly soul of DANIEL. Only too soon thereafter from the West there flashed over the electric wire the dire news that the brilliant DOLLIVER was dead. Last of these, and but three weeks before we convened in the present session, in his final sleep were closed the eyes of my own honored and loved colleague, ALEXANDER STEPHENS CLAY. Each of these was a prominent figure in this Chamber. The eldest of the four, McENERY, patient under a physical infirmity which debarred him from many of the enjoyments within the reach of others, firm and unswerving in his adherence to policies and measures approved by him. DANIEL, eloquent in speech, in manner courtly, classic in mould of feature and in his halting gait ever a picturesque reminder of the titanic struggle in which he bore his part. DOLLIVER, the orator whose voice rang out like a clarion and whose onset in debate was like a battle charge. And CLAY, ever at his post, alert to every duty, unwearying in labor, strong and fearless in debate, seeking out and challenging every wrong, a very tribune of the people.

The passing of these four Senators could but leave a great void in our midst; and their deaths, all announced in this Chamber within the same hour, presented a scene such as has never before been witnessed in the Senate since the foundation of the Government, and which, pray God, may never again be seen within these walls!

The life of my late colleague was from his childhood one of unwearying activities, one of unceasing struggle for that which was for the better and the higher. With him, from boyhood, each attainment was but a step upon the stairway that led to a higher plane of advancement.

He was not cradled in luxury nor were the muscles of his early boyhood softened in indulgent ease. He was the eldest son of a modest farmer in Cobb County, Ga., where he was born. During his boyhood he assisted his father in the manual labor of the farm. At one time, since the date when he became a United States Senator, when passing with him through his native county, he pointed out to me a field where as a boy, during the time spared from school, he had for years himself

guided the plow and assisted in making the crops. On that same day he narrated to me an incident to which later events lent a more than ordinary interest. It was that, three years after the close of the Civil War, he was called from his plow in the field to the bordering roadside by his father and presented to one who was passing by and who was to him unknown. It proved to be Gen. John B. Gordon, the battle-scarred veteran who, at 32 years of age, had, by Lee's personal selection, commanded the right wing of his dauntless army. Gordon took the wide-eyed boy by the hand, commended his industry, and predicted for him a prosperous future. The boy with swelling heart returned to his plow, which he had left in the furrow, and he who was to his youthful imagination the magic hero went upon his way. Twenty-eight years after that first meeting, when Gen. Gordon closed his last term of service here, he who had then met him as the 15-year-old farmer boy succeeded him as a Senator from Georgia in this body.

While young CLAY was thus busy with the needs of the farm, they were not allowed to deny to him the advantages of a liberal education, and from the common and high schools, through the successive grades of which he passed, he was transferred to Hiwassee College, in the State of Tennessee, where in due time he was graduated with distinction. As the college doors closed behind him, he girded himself for the life work, which only ended when he finally laid down his burden 35 years later. During the years while he guided the plow in the field and conned his lessons in the village school, visions of advancement and place and fortune had stirred within him. And now that opportunity was his, the profession of the law was that with which he proposed to achieve fortune and leadership and position in public life. These he was to seek through the avenues to distinction opened in the career of a successful lawyer, the prize he set himself to win. Like so many men who in America have later achieved the highest place, when he left college he taught school while he prepared himself for admission to the bar. This he did for two years, teaching his scholars by day and himself studying the law books at night. Among those scholars was a charming, fair-haired girl, Miss Frances White, who soon thereafter became his loving and devoted wife, sharing his every burden, inspiring him in every effort, encouraging him in every struggle, and proud of him in all his successes, ending with the highest honors within the power of the State to bestow. With his admission to the bar, his work of preparation was ended, and, like a strong athlete who begins a race, he entered the lists of endeavor.

His rise at the bar was rapid, continuous in its progress, and certain and conspicuous in its achievement. So much so that within a few years, while still a very young man, he was one of the recognized leaders in a bar of exceptional ability. His success in his profession brought him not only prominence but also material reward. But it was not for him to be content with the fame of a successful lawyer nor with its pecuniary rewards. He was not indifferent to the one nor neglectful of the other, but from the not distant field there fell upon his ears and fired his imagination the echoes of political struggles, in which he was only too eager to take a part; and his pulses quickened as out of the mists of the years that stretched out before him phantom arms seemed to beckon him on to the public arena. He had not long to await his opportunity.

The same qualities which so distinguished him here made him a leader in his community and section. Soon he was chosen to represent his county in the legislature of the State, where he served for six consecutive years. Here again his ability and superior qualities brought him success, and during the last two years of his service he was elected and served as speaker of the house of representatives. From the house of representatives he was transferred by popular election to the State senate, where he was, upon his first entrance, chosen as the president of that body, and so continued until the expiration of his term two years later. From being a local leader in his own section he had become a recognized leader in his State. In all the Commonwealth there was no man of wider and more active personal influence, and there have been few public men who could confidently number so many warm personal and political friends. Without seeking the position, he was chosen the head and leader of the Democratic Party in his State, and guided and conducted it through the most exciting struggle for political mastery with the Populist Party. Soon thereafter an unexpected stroke of fate opened the door to him which led to the Senate. Upon the approaching close of the senatorial term of Gen. John B. Gordon, Charles F. Crisp, former Speaker of the National House of Representatives, had by a popular primary in the State been chosen to succeed him; but on the eve of the assembling of the legislature which was

to elect him, while his hand was outstretched to receive the commission which would consummate his life's ambition, he was suddenly stricken in death, and the legislature, in his stead, chose CLAY to succeed Gordon in the Senate.

He came here March 4, 1897, when 43 years of age, and was then sworn into office. Together on that day we walked from this Chamber and witnessed on the east front of the Capitol the first inauguration of McKinley on as beautiful a day as ever shone upon this or any other city.

Within the limits proper for these remarks it is a difficult task, and in a degree an impossible one, to speak in reasonably adequate terms of his labors and services as a Senator. From the outset he grappled earnestly with the task he had here set for himself. He was active and untiring in his labor and in his studies, and with each succeeding month he acquired to a greater and still greater extent a mastery of the work to be done in the Senate, until not only in the end, but during many years preceding the end, he was known to all the Senate, and to all the public as well, as one of the most hard-working, best-informed, and efficient of all the Senators.

Few people realize, or indeed imagine, to the extent of one-tenth of the reality the great range and extent of the labors of the Senator who shirks no duty, who sets no limit upon the range of his activities, and who endeavors to set his hands to the work of the Senate wherever it is presented to him. It is a fact, realized by all who have been in a position to properly judge, that the work of the Senator has more than doubled within the past 13 years. This has resulted from the growth of the country and the very great development and increase in governmental work and in the enlargement and multiplication of governmental functions. But this is not the only explanation of the vast range of the work of a Senator. Because the Senate is a body small in numbers, and because of its liberal rules of procedure, each Senator has the opportunity for participation and activity in every phase of the Senate's work. He is not limited to the range of a particular subject of legislation, as is largely the case with members of other legislative bodies having a large number in membership and with restrictive rules. The business of the Senate, and the scope of its subjects for debate as well, are as wide as all the affairs of this great Government, not only in relation to its own internal affairs, but also in regard to its relations to the business and politics of all the earth. No small arena is this, and great is his task who daily engages in its struggles and who, by study and thought, is fitted for the arduous work.

There are some Senators who labor only in the work of committees and who take no part in the debates. There are other Senators who do little work on committees and who are only active in speeches or in the debates. Senator CLAY was one of the small number who do both. It may be confidently said that there was not in the Senate a more diligent and faithful worker than he on its committees and in its daily routine duties. It is equally true that he was one of the most active debaters in the Senate. Not only was he an almost daily participant in the daily current debates, but when great issues were at stake, after careful study, he prepared and delivered elaborate and exceptionally strong speeches upon the questions involved therein. Perhaps the most notable of these was his speech in opposition to the ship-subsidy bill in 1902. This was most carefully prepared and was an exceedingly strong and notable speech and attracted the marked attention and elicited the strongest commendation of the press and country at large. It made a deep impression upon the Senate. It was recognized by all as far and away the strongest speech which was delivered in that notable debate and as having exerted a potent influence in defeating the passage of the bill.

Many other speeches of high excellence were made by him of which time will not now permit the mention, but among them, his speeches on the Sugar Trust will be long remembered. In addition to the work of the committees and in the open sessions of the Senate, his general work on a hundred lines, which are ever pressing here, but of which the public knows little, was immense. He not only did his own work, but was constantly helping his colleagues in the House and Senate in accomplishing theirs. In common parlance he was constantly "on the go," either on his own business or that of some of his colleagues. No one ever appealed to him in vain for assistance.

He was a lovable man and he was greatly beloved on both sides of this Chamber. That this was true of him every Senator who served with him will attest; and in Georgia no public man has ever been personally more widely loved than was he. His attention to duty, his fidelity to his trust, his capacity, and his official and personal integrity had all made a deep impression upon the general public at large, and the announcement of his death elicited from the press and public men throughout the country heartfelt tributes to his worth and public services such as have been rendered to few others. He was the uncompromising

foe of extravagance in the Government and as well of every form of corruption. Of everything that could benefit the people at large he was the active champion. It was no affectation in him that he loved the common people and was devoted to their interest. It was with him an instinct, a part of his organization. He had drunk it with his mother's milk and it was bred into his blood and bone. To no safer man than he could have been intrusted the guarding of the people's interest.

Mr. President, I have personally known 30 years of legislative life, 14 years in the legislature of my State, with annual sessions, and 16 years in the Senate of the United States. In those 30 years I have been intimately associated with several thousand legislators, and I now say, with confidence in the correctness of my judgment, that, among all those thousands and in that long experience, I have never known a legislator who combined in a higher degree all at the same time the excellence of industry, fidelity, and capacity in the work of legislation. Those who labored with him in the work of committees know how industrious and how valuable he was in that sphere of work.

The Senate and the public knew of his activity in debates and in the work of the open session, while many thousands will attest his never-failing services in the vast multitudes of matters which press daily for the attention of a Senator and of which the general public knows nothing.

There can be but little doubt but that in his death he was a self-immolated martyr to his official duty as he conceived it. For more than a year he had been in a very alarming and precarious condition of health. With each succeeding month his progressing decline was painfully apparent to those who stood nearest to him. It was not doubted by those who watched him most closely that each day's labor was fixing more and more plainly the stamp of death upon him. He was daily conjured by them to leave the work and seek the restoration of his health, but in vain. He steadfastly refused to go. Three Democratic members of the Appropriation Committee were absent, seriously ill, and a fourth was attending the bedside of a member of his family in a well-nigh fatal illness, and he would not leave his post. With the shadow upon him of the wing of the hovering death angel he remained until the close of the session, and then went home to die.

Mr. President, throughout Georgia there was universal sorrow when he died; and all will agree that his death has caused a great loss to the country and to the Senate. Of the personal loss that it has brought to me I can scarcely venture to speak. I have known him for 30 years past. During the 14 years that he has been a Senator I have been most closely and most intimately associated with him, and during that time I have grown to love him as Jonathan loved David. During all those years there was never a clash or a difference between us. There was never a jealousy or rivalry between us. There was never a time when each of us was not glad to advance the interests of the other. I was the older in years and in official life, and yet I grew to lean heavily upon him and drew strength from his sustaining support. I miss him every day and every hour. To me there still come the echoes of his voice, while in absent moments I look to his accustomed seat, as if again to see him there.

Mr. President, I have consumed all the time which now is properly mine, and yet it seems to me that I have said nothing as I should of my dead friend, and I linger reluctant to say my last word of him.

At his bier stood four generations of his immediate family—his revered father and mother, each beyond fourscore in years; his loved wife and brothers; his dear children, five sons and one daughter; and his not less dear little grandson, who bears and will transmit his name.

With this grief-stricken family, and with the whole sorrowing community, on a beautiful hilltop, in the closing hour of a golden autumn day, we laid him to his final earthly sleep to await another dawn—"some radiant Easter beyond the gates of Night."

Mr. CUMMINS. Mr. President, I offer the resolutions which I send to the desk.

The PRESIDING OFFICER (Mr. CHAMBERLAIN in the chair). The Secretary will read the resolutions submitted by the Senator from Iowa.

The resolutions (S. Res. 356) were read, considered by unanimous consent, and unanimously agreed to, as follows:

Resolved, That the Senate has heard with profound sorrow of the death of the Hon. JONATHAN PRENTISS DOLLIVER, late a Senator from the State of Iowa.

Resolved, That as a mark of respect to the memory of the deceased Senator the business of the Senate be now suspended to enable his associates to pay proper tribute to his high character and distinguished public services.

Resolved, That the Secretary communicate a copy of these resolutions to the House of Representatives and transmit a copy thereof to the family of the deceased Senator.

Mr. CUMMINS. Mr. President, JONATHAN PRENTISS DOLLIVER was born in the country, not far from Kingwood, Preston County, Va., now West Virginia, on the 6th day of February, 1858. His father was a Methodist minister—a circuit rider of the old times—of New England ancestry. His mother was a southern woman of gentle grace and dignity. His early boyhood was spent largely upon the farm of his maternal grandparents, where he was born. He entered the West Virginia University while still very young and graduated in 1875, at the age of 17, with the scientific honor of his class. Very soon thereafter he turned his face to the West, taught school in Illinois for a brief period, and then settled down in Fort Dodge, Iowa, where he was admitted to the bar in 1878. The promise of a brilliant career in his chosen profession, so obvious to those who knew him, had brief opportunity for fulfillment, for, after one unsuccessful effort before the district convention, he was nominated and elected to the House of Representatives in 1888, and from that time forward his life was given to his country, and his great mind and faithful heart were devoted to the service of his fellow men in the discussion of moral, economic, and political questions either in the House, the Senate, or in the forum of the people.

He was continuously a Member of the House from March 4, 1889, until August 2, 1900, when he was appointed to the Senate to fill the vacancy caused by the death of John H. Gear. He was elected to the Senate by the Legislature of Iowa in 1902 and again in 1907. He was married in November, 1895, to Miss Louisa Pearsons, a most accomplished woman, who, in the best and highest sense was a helpmate in all the remaining arduous years of his life, and whose loving concern, loyal zeal, and wise counsels contributed mightily to his distinguished career. Of this union three children were born—Margaret, Frances, and George Prentiss. He died at his home in Fort Dodge on the 15th day of October, 1910, leaving behind him his wife, his three children, two sisters, and a brother.

This is the meager outline of one of the most conspicuous and one of the most fruitful lives of our day and generation, and the Senate has now turned aside from its usual work to survey for a brief time this towering figure which so lately, in vigor and strength, walked to and fro through this Chamber and which but a short while ago stood on this very spot quivering all over with righteous fervor and patriotic enthusiasm, delivering the last and greatest speech of his life in the Senate; a philippic, an argument, an appeal; a masterpiece in the annals of this historic body; an oration that will never be forgotten by those who heard it and that will be read by future generations with increasing delight, so long as good literature is admired and so long as freedom of political thought and public action are preserved among men. As I listened to it I thought of the remark made by Webster in explanation of his famous speech, "I only had to reach out my hand and grasp the thunderbolts as they went smoking by."

We did not know it, and maybe he did not, but the hand of death was even then upon him, and in this memorable address he seemed to gather up all his expiring energies; his strength stiffened, his power grew, and he swept on and up to his highest point of human attainment; and this was his farewell to the Senate and to the world. What an exit from the stage of human activities! What an entrance into the mysteries of the life beyond!

I did not know Senator DOLLIVER's mother, but I knew his father well, and knowing him, I would have been surprised if the son had been other than he was. The father was a striking character. Filled with religious faith that knew no shadow of doubt, he fashioned his life accordingly and turned neither to the right nor left from the path of duty. He never temporized nor compromised. He knew but one way to deal with wrong, and that was to fight it in season and out of season. He rode his circuit to preach and spread the gospel because he believed the gospel was necessary to man's salvation, and to him the luxurious and sinful pleasures of the world were not even a temptation. Just such stern, unflinching belief has made our country what it is, and it was such a man who gave JONATHAN DOLLIVER the bent and direction which kept him true and steady to the highest ideals and made it possible for him to confer lasting benefits upon the age in which he lived.

Senator DOLLIVER was an industrious student in every branch of learning. He enriched an unsurpassed natural endowment by constant explorations into all the fields of knowledge. He not only mastered the facts of history, but he caught and held its spirit and knew the relation of events to each other; and you will all bear witness to his marvelous aptitude in illustrating and illuminating the discussion of a current question by the parallels of former times. He knew the Bible better than any man of my acquaintance, and he knew it not only for its spir-

itual guidance, but he knew it as the source of the best and most impressive English spoken by our race. Its strong and homely idioms were always upon his lips, whether in private conversation or in public discourse, and never did a man draw from this inexhaustible fountain sweeter and richer drafts than did our beloved friend.

He was a keen analyst and a profound reasoner, and in every debate he made real contributions to the sum of knowledge upon the subject. Entirely apart from the charm of his oratory, his researches into the policies of government and into the economic problems of his time lifted him up to high distinction among his fellow workers of the House and Senate. All these virtues and accomplishments he shared with many other faithful souls, but he had one power which was not held in equal degree by any other man of his day—his wonderful, almost divine, gift of speech.

The truth is not always interesting, not always convincing, but upon his tongue it always took a form so picturesque and unique that his utterances challenged immediate attention and bore his hearers irresistibly along to his conclusion. His imagination was alive with parallels, illustrations, and pictures. The instant he touched a subject it began to glow, not only with the steady light of truth, but with the shifting, moving light of his imaginative genius. He was able to compress in a single sentence not only the most profound postulates of philosophy, but the concentrated evidences of all time of their soundness. I can not upon this occasion quote from his writing and speeches. I must content myself with saying that, measured by the standard of effectiveness and purity, his use of the mother tongue has never been surpassed and rarely equaled.

All these attributes of power, and strength, and manliness, however, shrink into trivialities when compared with his love for humanity and the fixedness of his purpose to do something for his fellow men. His great mind surveyed with intelligence and comprehension the rights and wants of the people, and his big heart drove him on and on to accomplish something in their behalf. He had a fine instinct of justice, and in attempting to secure it for the multitudes of his country he bore upon his own shoulders the burdens which injustice had imposed upon theirs. During the last two years of his life these burdens seemed to grow heavier and heavier, but he bore them manfully, and from an eloquent advocate of civil righteousness he was transformed into an impassioned apostle of reform; and in the flaming torch of his zeal he burned out his life as he led the hosts of his country toward higher and better things. You will look in vain for a better, brighter example of sacrifice for the general welfare and the common good, and so long as men value devotion and are grateful to their deliverers his memory will be enshrined in the affections of mankind.

Of the personal loss which his death inflicted upon me I must not speak at length. During the two years through which we served together in this body the ties of friendship were so strengthened and our association became so close that when he passed away it seemed to me that my own energies were gone. I can say no more.

But of the loss sustained by that little band, so closely united in the struggles of the two sessions, I may with propriety give utterance to the special sorrow which fills and overflows their hearts. We shall miss him as we would have missed no other man. His elemental strength was not only our refuge, but our weapon. His kindliness, so pervading and so persistent, smoothed every path and removed every obstacle. We shall not soon look upon his like.

Death has in a brief period taken many of our number, and we mourn to-day not only the brilliant and courageous DOLLIVER, but the bold and resolute CLAY. He, too, had endeared himself to his associates as few men can. Clear and forcible, he was in the forefront of every important debate. His eye was single for the truth, and where the truth led him he was always willing to follow. Nothing could deter him, nothing swerve him from the utterance of his honest convictions, and the sorrow of the people of Georgia in the death of Senator CLAY can only be equaled by the grief which was felt in every home in Iowa when JONATHAN P. DOLLIVER crossed the river to receive the reward which the Ruler of the Universe has ordained for the true and the faithful.

Mr. SCOTT. Mr. President, it is always a sad occasion when we meet together in this body to speak of the death of one of our associates whose work for the betterment of mankind has been finished. Truly, he is the most worthy servant who doth well and brings sunshine into the lives of others. True wealth is of the heart, not of the hand; and ALEXANDER STEPHENS CLAY was a man whose ear was ever ready to listen to the grievances of his fellow man and to truly champion his cause if he considered that he was being unfairly dealt with or neglected.

I had the honor of being appointed as one of the representatives of this honorable body to attend the funeral services of Mr. CLAY at his home in Marietta, Ga. The heart-felt sympathy and loss of a community is shown by the last tribute paid to the one who has passed over the river of life into the Great Beyond. It was plainly manifest through the State, and especially at Marietta and Atlanta, that the hearts of the citizens of that Commonwealth keenly felt their loss by the tribute they paid him who had served them with fidelity and sincerity of purpose for so many years. For humanity gives in love what we render in faith, and after all there is a great deal of humanity in human nature, even if it takes death to awaken one to the sense of love and gratitude which lies dormant in the mind and heart. In the death of Senator CLAY the State of Georgia not only lost an able representative, an honest representative, but she lost a most worthy citizen, one whose place will be hard to fill in this body.

Thomas Carlyle said, "Do the duty that lies nearest thee, the next is already clearer;" and Mr. CLAY's public life is an example of this saying. He was fearless in his utterances when once he was convinced that he was fighting under the right flag and for a just cause, for he was one who did not attempt to win the crown of life by dodging the crosses which are to be borne by mankind, for he believed that one deed of right was worth a world of all that we hold as creeds. Surely man must stand by that which is right, for when the years that we shall pass on earth are at an end our measures of life's deeds, and our bequest to mankind through the influence of the life we lived; we are judged by the noble deeds that we have done, for the man who leaves a lasting memory to the world is the man who does good deeds to and for his fellow man.

It was my privilege, in the 12 years I have been a Member of this body, to be thrown into close personal relations with the late Senator CLAY on several committees. I think there is no place where we really learn the true character of a man or appreciate his worth as much as we do with those with whom we are associated in committee work. He was always broad in his views on matters before the committees, yet conservative, and above all things, fair to all sections and people, and with a most fervent desire to protect the interests of the Government. He asked for nothing more than he was willing to concede to others, and he was of a most genial nature, companionable, and lovable.

Well do I remember that upon one occasion he secured an authorization for a site and building in a town in his own beloved State. Shortly after, at another meeting of the Committee on Public Buildings and Grounds, he called its attention to the fact that he had made investigation in reference to the matter and was very sorry to say that he found that he had been misinformed and misled as to the needs of such a building, and stated that it was his purpose, if opportunity offered, to rectify as far as possible the wrong which would be done the Government should such a building be erected. That, to me, bespoke the man's true character. His presence and efforts on the committee were most helpful to me, and I am sure I voice the sentiment of my colleagues when I say that it was most pleasant and beneficial to have him as one of its members.

Senator CLAY's voice will never again be heard in this Chamber; but his influence, written in "memory's halls," will be felt not only in this generation but for generations to come, as his record will be one of the beacon lights for others who shall follow.

We mourn his loss, but are thankful for his great qualities of character and for the uplifting influences of his life. For—

What is our duty here? To tend
From good to better—thence to best;
Grateful to drink life's cup—then bend
Unmurmuring to our bed of rest;
To pluck the flowers that round us bloom,
Scattering our fragrance as we go.
And so to live, that when the sun
Of our existence sinks in night,
Memorials sweet of mercies done
May shine our names in memory's light,
And the best seeds we scattered bloom
A hundredfold in days to come.

Mr. CULLOM. Mr. President, as the short session of Congress is drawing to a close, notwithstanding the pressure of public business, we have laid aside this afternoon the regular business of the Senate to pay our last tribute of respect and affection to the memory of the dead. Notwithstanding the public business, these hours devoted to memorial addresses on the lives and characters of deceased colleagues are well-spent hours of tribute and respect, which we, who are fortunate enough to be their survivors, should pay those who have gone before.

It seems to me that there have been a greater number of prominent Senators who have passed away since the close of

the last session of Congress than during any similar period since I have been a Member of the Senate.

Senator Daniel, one of the most cultivated men in the Senate; Senator Elkins, one of the most popular men among his colleagues; Senator Clay, an able and fearless Senator; Senator McEnery, noted for his independence; Senator Hughes, although here but a short time, noted for his ability as a lawyer—all have passed to the beyond since our last session closed. The death of Senator DOLLIVER, however, came as more of a shock to me than the death of any Senator in recent years. It was one of the most forcible reminders that we have had of the uncertainty of life. When I saw him last he was full of life, vigor, and verile manhood. With his powerful physique, just at the prime of life, when he had the most to live for, assured of a brilliant future, he was the last man in the Senate that one would associate with the thought of death.

I first knew him as a Member of the House of Representatives. I became more or less intimately acquainted with him soon after he entered the House by frequently meeting him in the committee room of the late Senator Allison. Senator DOLLIVER, I believe, was a protégé of the late Senator Allison, who was one of the most intimate friends with whom I ever served in either House, and one of the most popular and agreeable men of his time in Congress. Senators who were here at the time will remember how much Senator Allison thought of Senator DOLLIVER, how delighted he was to hear him speak in this Chamber, and how proud he seemed to be of him.

I remember when Senator DOLLIVER was first appointed as a Member of the Senate. He then had a national reputation as an orator. He advised with Allison and me as to making speeches in the Senate. Having the old-fashioned traditions of the Senate in mind, we told him that it would be better if he made no speeches here for a year, and as I recollect it now he did not make a speech in the Senate during his first year of service.

He had a most interesting and honorable career. Born in the mountain district of West Virginia, then a part of the State of Virginia, the son of a clergyman of honest but humble New England ancestry, after receiving a liberal education at the University of West Virginia he left his native State and took up his residence in a small town in my State, Sandwich, Ill., and taught a school in that village. Teaching a school was not sufficient to satisfy the ambition of the young man, and he entered upon the study of the law, was admitted to the bar, and settled in Fort Dodge, Iowa, where he lived the balance of his life and where he died. He had the usual struggle, I suppose, that all young lawyers had in western towns, and which I myself had when I commenced the practice of the law in Springfield, Ill. He never became a great lawyer, as we understand that term here now, but he did become a great orator. Although born in a Democratic State, he was an ardent Republican, and believed in the principles and policies of his party. It was not strange, considering his ability, that he soon became prominent in national campaigns. I would not consider it an exaggeration to say that at the time of his death he was among the three or four most eloquent campaign speakers in America.

At the age of 31, in 1888, he became a Member of Congress, and continued as such until his death. In 1900 he succeeded my friend the late Senator Gear, one of the pioneer statesmen of the West, as a Member of this Senate. His service as a Member of Congress was long and distinguished. He was a prominent member of the Committee on Ways and Means of the House and was one of the framers and supporters of the Dingley law. He was then an advocate of a high protective tariff. It was not, however, his prominence as a Member of the House that resulted in his elevation to the Senate. It was his prominence as a candidate for Vice President in 1900 that induced Gov. Shaw to appoint him to succeed Senator Gear, and finally resulted in his election for a full term by the Legislature of Iowa. I have often thought of the strangeness of destiny when I think of the life of the Senator we are eulogizing this afternoon. Is it true, after all, that there is some great overruling providence which guides the destinies of nations and men? Singular it is that the two men in this country who came nearest to the Presidency and who did not succeed were Allison and DOLLIVER. Allison was the logical nominee in the Chicago Republican convention in 1888, and was defeated on account of the eastern opposition to the agrarian element, and DOLLIVER would have been our candidate for Vice President in 1900 and would have succeeded McKinley, and probably would have been the regular nominee in 1904, had not Senator Platt, for reasons of his own, forced the nomination of Theodore Roosevelt. It seemed to be predestined that Theodore Roosevelt should become President of the United

States and one of the great characters of his day and that Mr. DOLLIVER should enter the Senate.

His reputation was probably made as a Member of the House. An honorable, able, dignified Senator he was, but oratory is not appreciated here as it is in the House. An ambitious man would have a much better chance of reaching the Presidency from the House, from the governorship of a great State, or even from private life, than he would have from the Senate. It is true that Harrison was elected from the Senate and that Garfield was a Senator-elect, but Harrison's nomination came about from a combination of circumstances needless for me to relate here, and Garfield's reputation as a Member of the House and an orator brought about his nomination in Chicago. Thinking of Garfield reminds me that there was much resemblance between Garfield and DOLLIVER. If I were to compare DOLLIVER with any American statesman, I would say that he more nearly resembled Garfield than he did any statesman of my time, although he had far more wit, combined with eloquence, than did Garfield.

Oratory is a gift of nature. The Senator from Iowa possessed that gift in a marked degree, but added to that he was a prodigious worker. When I first knew him I thought he was inclined to be indolent and that his speeches came from his wit and his marvelous command of language, but I later learned that the ideas, the thought, the arrangement, the form, and style were the result of the hardest kind of work, and that he never attempted to speak without preparation and prepared his speeches with the greatest care.

He changed his position radically on the tariff and other legislation after he entered this body, and especially after the death of the late Senator Allison. I have always been what might be termed an old-line Republican and have always supported the policies of my party. Senator DOLLIVER seemed to have the same view until the time of the consideration and passage of the Payne Tariff Act. While we differed on that legislation and he became what we term now an Insurgent or Progressive, yet we remained warm personal friends. We were neighbors. I liked and admired him and had no less respect and liking for him when he joined the opposition to the Payne Act. I realized that he was following what then seemed to be the sentiment of the people of Iowa. I do not consider it a disparagement of him to say that he was not a leader. He watched to see the sentiment of his people, just as McKinley, Blaine, and other popular American statesmen did, and when he thought he knew their real sentiment he followed them.

Every successful public man must generally follow public sentiment, at least to a certain degree, if he expects to remain in public life.

Mr. President, I pay this tribute of love and reverence to the memory of one whom I for years regarded as a devoted friend and in whose death the Nation lost one of its most brilliant and patriotic statesmen.

Mr. TALIAFERRO. Mr. President, my personal acquaintance with Senator CLAY began on my coming here as a Member of this body nearly 12 years ago. I knew him, of course, as one of the group of great and patriotic men of which his State may be justly proud, but to appreciate his full worth, the uprightness of his character, the thorough justness of his nature, the cleanness of his life, and his devotion to duty one had to know him through close and intimate association.

We here, Mr. President, so knew him, and for my part I can scarcely recall ever having met a more conscientious or faithful man. He was faithful in his friendships, in his duty, and loyal to the principles in which he believed. All of his career, from his boyhood days to the end of his life, fully sustains this estimate of his character. He was an earnest and faithful student at school and college, earnest and faithful in his work of teaching to provide means to complete his education, earnest, honest, and faithful to the people in all of the positions to which they called him, and deserving of his steady advancement from the city council of his home town through the assembly and senate of his State to a seat in this Senate, whose wisdom and moderation in its relations to the complex problems of peace and war have won for it the name of the greatest deliberative body of the world.

He regarded the position of Senator as no light or trivial honor. He esteemed it the highest in the gift of his State. He knew its responsibilities and appreciated its dignity, and he gave in return a zeal and devotion worthy of our finest and best traditions.

Nor can less be said of his private life. He was a devoted husband, a patient, indulgent, and affectionate father, and an exemplary citizen, who enjoyed and deserved the love and esteem of his friends and neighbors.

I was a member of the Senate committee which attended his funeral at his Georgia home; and, while the duty was a sad one, there was nevertheless a sense of comfort in being able to show to his memory some small measure of the respect and affection in which I held him as a man. And it was a gratification to see from the vast concourse of people embracing every walk in life—old and young, rich and poor, white and black—assembled from all the surrounding country to do honor to his memory, that our high estimate of his character was borne out at his own home, for here, where they knew him best, they loved him most. The signs of sorrow in their faces, the touching eulogies, the wealth of flowers, all eloquently testified that a good man, an upright citizen, and a faithful friend had passed away.

I know of no duty here which Senator CLAY shirked or performed in a half-hearted way. Diligent and faithful in all things, he was unwilling to concede to himself even that measure of rest which the preservation of his health demanded. He had pronounced views on the principles of government, and hesitated at no sacrifice of time or thought to make clear and plain to others the truth as he saw it.

In the tariff session of 1909 Senator CLAY was a close listener to all the discussions and a deep student of the many problems involved. He took part in the debates with ability, eloquence, and force. He was a dependable contestant on the Democratic side and a wise and experienced legislator and counselor.

I believe that the arduous work of that session undermined his health and led ultimately to his death; and so it may be said, I think, that he sacrificed his life to his high sense of duty.

Some of the religions of the Far East, Mr. President, teach their followers that the slaying of enemies in battle is one of the highest duties of the faithful and surely to be rewarded by a place in Paradise. They therefore invite death with a courage so matchless as to startle the world.

The purpose of our Government, Mr. President, is not to kill or to destroy, but to establish justice, insure tranquillity, promote the general welfare, and to secure the blessings of liberty to ourselves and our posterity.

It is not founded upon the Constitution and the Declaration of Independence alone, for they are but parts of a fabric which rests upon that deeper and more enduring foundation, the teachings of the Prince of Peace—peace on earth and good will toward men.

In the many problems which come before us we seem at times to forget this true purpose and to wander into devious ways, but if the tangled thread be traced to the end it will be found to lead unerringly to that high purpose of the fathers to establish on this soil a government so sound in principle as to endure throughout the ages. The aim of good government is, as Senator CLAY realized, peace and good will and happiness for all. He recognized that there is no higher science than the science of government, and knew fully the importance of study and thought—the light of wisdom—to illumine the work of legislation.

He had a profound consciousness of the responsibilities of those who make laws for their fellow men; and the manner of his life and death shows that he regarded no sacrifice too great to make and no penalty too heavy to pay in such a cause.

And so, when we review his career, its zeal and faithfulness, and analyze his conceptions of the high and sacred purposes of government, we must bow our heads in approval and say to ourselves and among ourselves that here, too, was a soldier who died in battle. Not in battle to kill and destroy, but to insure to mankind forever the inestimable blessings of peace and happiness.

Mr. TILLMAN. Mr. President, I have not the strength—I do not feel able to say much on this occasion. It is a sad one for all of us, and peculiarly sad to me, for since I was borne from this city last March, to all intents and purposes, and the expectations of myself and my friends, a dead man, or one who would never return, and then find that I am here still, I feel the transitory nature of human life. We are as shadows who pursue one another, and soon there is an end.

The paths of glory lead but to the grave.

The high places we have achieved here are but a step to the last resting place. All this I feel very deeply. But I would be unjust—recreant to myself—if I did not try to put a flower on each of these newly made graves.

Since I went away, death has cut a wide swath in the Senate. Six of our fellows have taken that journey—

From whose bourn no traveler returns.

I feel death is even now peeping at us around this Chamber somewhere and selecting the next to summon.

I loved these two men. They were worthy of my love. They were worthy of the admiration that we all felt for them. No two Senators who have ever been here have been more faithful to duty or endeavored more thoroughly and completely to discharge it as they understood it. I say that not because I want to pay them a compliment. Such is not my purpose. I simply want to tell the truth.

DOLLIVER, as we all called him, was a great man. Great men are plentiful in this country, but not as great as DOLLIVER. Good men are plentiful in this country, but not as good as CLAY. They both have left us and we know not how soon our own time may come. I feel that with especial force. But—but, I can not go on, Mr. President. I have thoughts, but the words will not come. So I will sit down.

Mr. LODGE. Mr. President, my acquaintance, which soon grew into friendship, began with Senator CLAY when he entered the Senate. We formed a standing pair which continued unbroken throughout his service. This brought us gradually into a close relation, and I came to know him well. Increased knowledge brought increased friendship and respect, which is not always the case. He was eminently a lovable man. His simplicity of nature, the directness of his outlook upon men and upon life, his straightforward ways, his kindness and sympathy all grew upon one, were all qualities that appealed alike to one's affection and respect. He had fought his way up in the world and attained to the highest positions by hard work and by the strong, simple qualities of both mind and character. But he had none of the aggressive vanity which too often accompanies such a career and such achievements. Because he had learned something for himself he did not at once conclude that it was unknown until it had appeared above his own horizon. Because in the ocean of human thought he discovered an island, he did not immediately decide that it had never before been trodden by man. He was wholly free from that consuming egotism which is of such a quality that it can permit nothing but its possessor to be seen or heard. This, in a roundabout way, is saying that Senator CLAY was as modest as he was simple and as unpretentious as he was straightforward.

I have thus spoken of him as a friend, of the qualities which made him a friend to be desired and loved, all too insufficiently I well know, but that is the thought which is uppermost in my mind. I must think first, when I come to speak of him here, as the friend I have lost.

It would be most unsatisfying, however, to stop there. Others, better instructed than I, will give here the record of his early life, of his labors and success, and of his steady progress to distinction and to fields of large usefulness. But I can not close without a word as to his public service as I saw it here from day to day and year to year. Senator CLAY was a good Senator, a good and an able legislator. He was diligent and thorough, and was especially industrious in that unadvertised but essential task, the work of committees, where laws and policies are shaped and where the glaring and deceptive headline rarely penetrates. He was equally diligent and painstaking on the floor. Better than anyone else, perhaps, can I bear witness to his faithful attendance, to his rare absence from a vote. He came well prepared to debate and knew and understood the subjects he discussed, but although he took a due share in all discussions, he wasted no time and never sought to utter words merely for the pleasure of utterance. He was not a time waster and was impatient of that pleasing occupation when indulged in by others. He was a high-minded, honorable man, a faithful public servant, an honor alike to the State which sent him and to the Senate of the United States. He bore his ill health and its trials with great patience and courage and kept at his work with conscientious fidelity under great difficulties. His death left a gap here not easily to be filled, but to his friends will always remain a sense of abiding loss, for he commanded not only public confidence, but the affection of all who knew him well.

Mr. BEVERIDGE. Mr. President, what can I say of JONATHAN DOLLIVER? What tribute can any man pay to this great soldier of the common good which the grateful heart of a mighty Nation has not already paid more abundantly?

And why has a whole people with uncovered heads laid upon the grave of JONATHAN DOLLIVER that tribute of mingled grief and gratitude which they seldom give to any man and reserve only for their rare beloved who have fought and fallen in the people's service?

It is not because of his brilliant abilities, whose splendor has so often illuminated this Chamber and reached beyond its walls to the confines of the Republic. It is not because his

great heartedness claimed the affection of all who came within the radiance of its charm. It is not because his kindly humor threw over all he said and did a mellow geniality more compelling than those sterner and more acrid methods which many powerful men employ.

No! The American people have enshrined JONATHAN DOLLIVER in the temple of their regard because he gave, to the uttermost, all his noble and peculiar powers in the service of his countrymen, and, with an abandonment of devotion to their cause, threw the elemental force of his extraordinary gifts against the people's enemies.

For JONATHAN DOLLIVER gave himself, a living sacrifice, to the cause of human advance as much as Winkelreid in his Swiss mountains or Warren at Bunker Hill. He fell in battle for the people as surely and as really as any uniformed soldier ever fell stricken on the field of armed conflict.

While from the beginning his career was notable, it was the last two years of his life that gave JONATHAN DOLLIVER his exalted place in the esteem of the masses of his fellow citizens from ocean to ocean.

It was during these last two years that the personal relations of Senator DOLLIVER and myself grew to an intimacy of friendship which was and is one of the most uplifting and strengthening influences of my life, as it is and always will be one of the fondest and most cherished memories which I shall carry to life's end.

During these two years there was scarcely a day that we did not spend an hour or more together. Seldom did an evening pass that we did not meet at his home or mine for a little period of companionship and talk. Almost every day we walked from our neighboring homes to the Senate and back again in the evening.

A remark of Senator DOLLIVER's on one of these morning walks threw a flashlight upon that flowering out of his genius during this period which engaged the attention of all of us here, of the country at large, and indeed of the English-speaking world.

We had stopped while DOLLIVER talked a few minutes with an old, gray-haired negro. It was his custom to do just such human things. As we continued our walk I said to him: "The country always recognized your intellect and eloquence, but the country did not give you its confidence in the same degree that it gave you its admiration. You have grown more in the last 12 months in the people's trust and faith than during your whole public life."

DOLLIVER stopped, and, taking off his hat, passed his hand over his brow in that characteristic gesture all of us so well remember, and said, "Yes; I think that is so. And why is it so? It is because for the first time in my life I have determined to be intellectually free. That old, gray-haired negro to whom we were talking a moment ago was not so much emancipated physically 50 years ago as I have been emancipated intellectually within the last year and a half."

He had determined to be free. So, like another Samson, he broke the withes that bound his mind and heart and stood forth an unshackled giant, acknowledging no master but truth and his conscience.

The full meaning of this is best set forth in his career. A strange accident gave me the opportunity of hearing JONATHAN DOLLIVER's first notable public speech—a speech whose every word was so tipped with the fire of genius that in a day it made him a notable figure in contemporaneous American politics.

This speech was delivered as chairman of the Republican State convention of Iowa in 1884. I was then a college student and was spending my junior vacation in Des Moines, Iowa, at the head of a large number of other students who were selling books in that State. I went to that convention, and standing on the outskirts of the crowd, which occupied every inch of space back of where the delegates were seated, listened in wonder to this amazing address.

After that speech of course it was inevitable that DOLLIVER should enter national public life. Those were the days of an intense and bigoted partisanship, inherited from the passions which the Civil War set flaming. Also, real and vital issues divided the American people into hostile political camps of opposing convictions which were as sincerely genuine as they were clearly marked. The period has not yet come when these fundamental issues had been settled. Partisanship was then a living thing, representing crystallized opinion based on reason, although superheated by the feelings of our fratricidal conflict.

So it was natural and inevitable that JONATHAN DOLLIVER, like all the rest of us, should be ultrapartisan. And like the rest of us, when those conditions passed away, when new and real issues had risen and in their turn been settled, and when no genuine issues longer separated thinking and patriotic citi-

zens, the thrall of partisanship still chained him, as it did all of us, to party name and party organization.

But, as always has been and will be the case, when the real issues that create or continue parties have passed away, instead of the organization remaining the instrument of the party and the party name the political designation of citizens who belong to it, parties tend to become the servants of party organizations and party names an influence to compel the millions of party voters to accept anything that so-called party managers might decide on, no matter whether right or wrong.

Instead of the millions of voters who make up the party issuing their orders to party managers, it comes about that the latter issue their orders to the millions of voters who make up the party.

Thus the curious result occurs of measures being passed bearing bipartisan complexion, while, strangely enough, at the very time party managers shout more loudly than ever obsolete party catch words, demand unquestioning party regularity—meaning obedience to the ukase of self-appointed party managers instead of obedience to the desires and needs of millions of voters, with conscience alert, reason vigorous, and facts established.

To this more and more grudgingly JONATHAN DOLLIVER yielded his assent, with ever-increasing reluctance. Finally the time came when he could yield to it no longer.

He felt that this tendency inevitably must result to the injury of the people and to the impairment of parties. Ultimately came a crisis when with all the force of his powerful nature he believed that injury actually was being worked to the people under these conditions.

And so he felt it his duty to return himself and bring all men with him back to the true theory of political parties, which is that political parties are the millions of voters who compose them, and that the supreme court of party policy sits at the fidesides of the Nation.

This meant, of course, the service of the whole people in its purest form. It meant that a political party ought to gather its strength solely from things it does for the welfare of the millions.

This position, of course, was as old as the theory of free government, yet as new as the fresh necessities of the people which each day's rising sun looks down upon. In a different forum JONATHAN DOLLIVER therefore stood for the same fundamental things for which Washington fought from White Plains to Yorktown, and for which Lincoln planned and labored for four heroic and immortal years.

This outburst of a conviction on DOLLIVER's part surprised many. It resembled the fierce temper of the Scotch Covenanters, the militant resolve of Cromwell's Ironsides. It was as remorseless as a storm, yet steady as the Gulf Stream. Always, to the very end, it blazed with increasing brightness and power as of the sun rising to its zenith. And, indeed, it was at its zenith that that great light went out—went out so far as his physical personality, living brain, and throbbing heart projected it, but not in its influence over this great people.

And yet it was not strange that at the period which God had appointed there awoke in JONATHAN DOLLIVER's soul the spirit of his West Virginia mountaineer, circuit-riding, abolitionist, preacher father. Blood tells, and the blood of a hero and martyr flowed in the veins of JONATHAN DOLLIVER unsuspected by those who gauged his character from his gift of wit and almost boyish love of fun. But the hero-martyr blood was there.

Had he lived in the fifties he would have been another Wendell Phillips, only more human and therefore more powerful. Had he lived in pre-Revolutionary times, he would have been another Patrick Henry, only broader-minded, more kindly, and therefore more influential. Had he been an Englishman at the time of Lord North, he would have been another Burke, only more pointed, more pungent, and therefore more effective. Had he been a Frenchman in the period of France's epochal upheaval, he would have been another Mirabeau, only with a greater blood sympathy with the common people from whom he sprang, and therefore with a wider potentiality for good.

I think that all who knew or heard DOLLIVER will admit that these comparisons are not extravagant. For, when he died, he was beyond any possible doubt the greatest orator in the contemporaneous English-speaking world. In the compelling art of oratory which has swayed the hearts of men and influenced the destinies of people from the beginning of time until now and which grows more effective as the intelligence of those addressed increases, nature made JONATHAN DOLLIVER a master; and to the mastery of this art which nature gave him he added the finished technique of decades of cultivation.

And so with these endowments he answered the high call which had come to other gifted men in like periods of human

history. He put his hand upon the shoulder of his country, which he believed was being lulled into a neglect of its own interests, and rousing it from this creeping lethargy, turned its comprehending eyes once more to the sacred fires burning on the altar of those ideals which established the Republic and which alone can preserve it.

I said that he fell in battle for the people as truly as any soldier ever killed upon the fields of war. His family and close friends feared what they now sadly but proudly know, that his extraordinary output of mental and physical energy in the people's cause during those last two years hastened his untimely death. But for that he might have lived for many years.

The work he did during the tariff session drew heavily on his physical powers. Many times during that historic session JONATHAN DOLLIVER worked all night and then next day debated through long, exhausting hours. And during the months that followed, when he should have been replenishing his physical resources, he was compelled to give out more and more from the already diminished reservoirs of his power.

Who that heard it ever will forget his last speech in this body shortly before adjournment at the last session? He spoke as one inspired. He laid down fundamental principles of statesmanship and public conduct. There are parts of that speech which can be compared only to Edmund Burke's immortal address "To the electors of Bristol." But it is needless to recount either to his colleagues here or to his countrymen the details of those last two years of righteous effort and of enduring glory. The Senate and the country know them.

JONATHAN DOLLIVER in the flesh is gone from us; but with us and with the whole American people abides his spirit. Before us and before our successors will stand his inspiring example. Not so much do we do a duty to-day in celebrating the memory of a great statesman as we exercise a proud privilege in paying tribute to our personal friend and brother, and to the people's fearless, resistless soldier of their common good.

Mr. CLAPP. Mr. President, in paying my feeble but heartfelt tribute to the memory of JONATHAN P. DOLLIVER, it seems to me it is a plain duty resting upon me to place in the records of this body his concept of that impending struggle at the threshold of which he fell, and wherein he displayed such splendid courage and resplendent abilities. He realized, as every student of the great forces which make for history must realize, that in the evolution of free government there is bound to be two great decisive struggles, linked together in the indissoluble chain of sequence.

The first of these struggles was, of course, that one which finally found fruition in the establishment of free government. No one can study the character of that spirit of power and dominion which sought to block at every step man's progress toward free government, which sullenly retreated, step by step, before the advance of human progress, without realizing that that same spirit of power and dominion would attempt to regain, in a measure, in its control of the spirit of free institutions the political power which it had lost in their establishment. The long story of oppression written on the page of history by this spirit of power and dominion betrays a character loth to yield. On the other hand, no one can study the character of that spirit which inspired man in his long, toilsome journey to the goal of free government, that spirit of sacrifice which sustained him in the struggle, without realizing that it will be slow to yield in the spirit of free institutions that which it seemed to gain in their establishment. In other words, he realized that we stand face to face with the question, more plainly stated, of whether that spirit of dominion and power within the peaceful sphere of industrial and commercial life, recast to meet that sphere as a spirit of commercialism, should dominate the spirit of institution, or whether free government, regulating and controlling that spirit as a developing force in its industrial and commercial life, should make that spirit and force the servant of free government instead of its master.

Senator DOLLIVER saw this impending struggle with a clear vision. He could see it cast its portentous shadow across the pathway of American progress. I have thus briefly and imperfectly outlined what, had he lived, would some day have been the theme of a presentation at his hands, which, recognizing his marvelous powers and his keen concept of the subject, would have ranked as one of the world's great orations.

I now turn to his relations to this struggle, which relation was, by his untimely death, terminated at its very threshold. Possessed of rare and unusual powers as an orator, of genial personality, of a broad grasp of fundamental principles, of an earnest loyalty to what he recognized as the instrumentality in

the solution of public questions, he early became prominently and closely identified with the party which, from his standpoint, most strongly appealed to him. His service to his party in the advocacy of its claim to popular approval as well as his participation in molding its policies, coupled with a personality that drew men to him and drew him to men, brought him in close association with that somewhat vague and undefined but generally recognized force called party leadership. By nature a champion of the cause of the people, he threw himself into his work with ardor and enthusiasm. He was a great potentiality in that series of legislative policies which from 1901 to 1909 left those years historical in the evolution of the effort of the American people, by regulation and control, to subordinate commercialism to the common interest. During those years he rejoiced in what he felt to be not only the triumph of his party, but the triumph of the cause of free government, and found pleasure in the association in which this work was being done.

Less than two years before his death he discovered what at first seemed to be an abatement of enthusiasm on the part of some with whom he had been associated in the great work of establishing the mastery of this Government over every agency which develops under its protection. This was something of a shock to him, but slowly and irresistibly the truth was forced into his consciousness that not only was there an abatement of that purpose for which he and those with whom he had been associated had labored, but that the spirit of commercialism had resolved to wrest from the people all that it could of what the people had won in the preceding years. He realized that he now stood at a point where he must abandon that for which he had labored or be abandoned by many of those with whom he had labored. Shocked as he was at the discovery of this condition, he never hesitated for a moment as to which alternative he would choose. He had been a potentiality in what had seemed to be the triumph of the real spirit of free government, which, in its last analysis, if it is to be free government, must hold in control and regulation the great forces which energy and ambition develop under its fostering care, because he had thoroughly believed in that; and when this alternative presented itself, without a moment's hesitation he pressed forward with renewed vigor.

At this point it seemed to many who had not known of his earnest purpose and deep sympathy with the cause of industrial freedom, that there came an awakening, but it was such an awakening as comes to a man who is pressing forward to a given goal and suddenly discovers obstacles which had not before been apparent. There was no change in his purpose, in his concept of duty, except that he realized with clearer vision than he had ever realized before, the masterful spirit, the inordinate love of power, the dogged insistence never to yield, of that force which is seeking to reestablish in the activities fostered by free government, that political dominion which it had lost after centuries of struggle and realized that the challenge meant his own emancipation. He now realized with keener concept than ever before that there could be no truce until the supremacy of free institutions were as firmly established in the peaceful field of their activities as they had been established in that more tempestuous field wherein the spirit of liberty had delivered free government from the womb of ages. This, then, was what seemed to be the awakening, and I have given this analysis, because some day the historian will record the story of this struggle, and there should be in the records of this body the statement of one who knew the very deepest heart throbs of the man whose name will be forever associated with the struggle.

He seemed also to develop new and marvelous powers, yet they, too, were but a part of that reserve force which seemed ever present when putting forth his greatest effort as when engaged in a less important debate. He felt the bitter shafts of ingratitude and his great noble nature felt the pain of the wound, but this no more deterred him than did the thought of separation, and, clad in the panoply of Truth, invulnerable as that magic shield which Merlin, the enchanter, wrought, he pressed forward like "knight of old;" with generous sympathy, to do battle for the weak; with courageous heart, to meet in battle the strong.

At this point Senator DOLLIVER began to realize that in the impending struggle, if the true spirit of free institutions is to prevail, maintain, and master the forces developed under its aegis, that equation of citizenship which we call the composite citizen, in which equation must ever rest the best, the truest, and the broadest recognition of equality, must be brought into more direct relation as a more direct factor in shaping and molding the policies of government. He again realized that it

was only in the more direct application of this force that representative government would be responsive government.

When he fell in the early dawn of the struggle the people realized that a great champion had been stricken, and with tremulous voice asked when and whence will come his successor. That inquiry remains unanswered. Men combining the great traits which rendered him so conspicuous are rare indeed, and I must digress here for a moment to point out that rarest of all combinations, an intuitive grasp of fundamentals and a mastery of details, both which traits he possessed to such a marked degree. They are rarely combined, but when they are combined they produce a great and masterful mind.

While we may not find his successor, we must remember that "the blood of the martyrs became the seed of the church." Though cast in heroic mold of body as well as mind, his physical strength proved unequal to the task. Worn out and exhausted with his work, he fell, and when he was stricken, after that last great effort which was a warning to his countrymen, those for whom he had struggled, realizing that he had fallen in their cause, in their grief and sorrow, they too awoke to a deeper sense of the impending conflict and to a firmer determination to preserve their industrial and commercial liberties. And so, while we mourn his departure and deplore his loss, we realize that, like all who have died for a cause, he did not die in vain.

Back of every picture lies a background, and grand and heroic as is the picture of DOLLIVER's public life, there is an instructive, glorious, and luminous background, and with reverent hand—for it should never be done but with reverent hand—I part the curtain to contemplate what lies mirrored back of his public service. Born of a parentage that gave to him his wonderful mental powers, his broad and intuitive grasp of fundamentals, his keen appreciation of the right, all merged into a religious faith simple as that of a child, as real to him as his earthly existence. In his home, despite the demands upon his time in his public service, he was not only loved and adored by his children, but he, in turn, loved and adored, and he found companionship in them, and that Saturday night when the news of his death came, amid the grief of that hour the thought came to me that the little boy, whom he so loved and idolized, would grow to manhood and hear of his father's fame, but could never know that companionship which would have been a joy to both.

Senator DOLLIVER, like all truly great men, recognizing that however keen a man's perception of right and wrong might be, a true woman's perception was keener yet, and in his great, generous nature he recognized the woman at his side as an inspiration. Like all truly great men he recognized that however strong of arm and courageous the heart of man, there is a more enduring strength, a more sublime courage, in the nature of a true woman, and, again, in his generous nature, he recognized his obligations to the woman at his side for this added strength, this greater courage. Small wonder, then, that a man thus equipped by nature and thus environed should be willing to sacrifice his life in humanity's cause.

Mr. OVERMAN. Mr. President, for Senator CLAY I entertained a real affection. For him as a Senator I had great respect, and I would be untrue to myself if I did not add to what has been already so beautifully and justly said, a simple and modest tribute to his memory.

The great State of Georgia has furnished to the country a long list of great men who have been distinguished at the bar, in the pulpit, and in statesmanship, some of whom have gained renown in the Halls of Congress.

She may have had greater orators, for I doubt if any State ever produced such thrilling orators as Bishop George F. Pierce and Benjamin H. Hill. She may have had some greater statesmen, for few States have furnished greater statesmen than William H. Crawford, Robert Toombs, and Alexander H. Stephens, who in statecraft had few superiors. But Georgia has never had a more faithful representative to serve her in this body; her people have had no more loyal, devoted public servant or one who did more for his State than ALEXANDER STEPHENS CLAY.

He first saw the light upon a farm in the beautiful and fertile Piedmont section of Georgia,

Where the heart of nature
Beats strong amid her hills.

There, as Burns said of the poetic genius of Scotland, the guardian fate of his native State—

Found him at the plow and threw her inspiring mantle over him.

From young manhood to that scene which was his latest he could always be found in the path of duty and honor. He grew up in the country, among the plain people. He was one of them. He had their confidence to a marked degree, and they had his

love; and their interests he always had at heart. From the hour he entered public life his State heaped honors upon him, refusing not even the highest and rarest in her gift, until, while yet in his young manhood, they elevated him to a seat in this body. Three times he was elected to represent his State in the Senate of the United States—twice elected without opposition—and at the time of his sad taking-off he was serving the middle of his third term. Almost to the very last, while disease and almost the hand of death was upon him, he remained here at his post of duty, unmindful and heedless of the advice and urgent appeals of his friends and colleagues to desist from work and go away for rest.

He will be remembered here as one of the most industrious and painstaking Members of this body—always in his seat and ready to debate any question which would arise; and he never spoke but what he shed light and information upon the subject under consideration. He had an exalted conception of duty and superb courage to do it. Nothing could swerve him from doing that which he conceived was for the best interest of the people of his native State and the country.

In all the relations of life Senator CLAY was a good man, a loving husband, a kind and indulgent father, a devoted son to his old father and mother, who still survive him; a loyal friend, he was faithful, gentle and kind, modest but bold, generous but brave. He was a Christian gentleman, worshiped by his family, loved by his people, admired by his colleagues, and the pride of his State.

Mr. President, within the short time of 12 months death has invaded our midst and cast its dark chilling shadow over this Chamber, and six of our colleagues have been borne away by the mysterious rider upon the pale horse into the great beyond—a journey which the humble and the great, the rich and the poor, and we too, all alike, some day must take. We are continually brought face to face with the great mystery. Every day some friend departs, and fewer and fewer our band of friends become. And we are reminded that—

There is no union here of hearts
That finds not here an end.

Senator CLAY was a firm believer in the Christian religion. He had great faith in the immortality of the soul. With him it was not death to die. He was a regular attendant upon the worship of God. I have often met him on the Sabbath day wending his way to church to spend an hour in worship. His life duty done, laying aside the sorrows and troubles which infest this fitful life of ours, while the full orb of his being was slowly sinking to its setting calmly until the lengthening shadows of the sun sent his spirit beyond the shore, but—

When the gorgeous sun illumined the eastern skies,
He passed through glory's morning gate,
And walked in Paradise.

The realm of death seems an enemy's country to most men, on whose shores they are loathly driven by stress of weather; to the wise man it is the desired port where he moors his bark gladly, as in some quiet haven of the Fortunate Isles; it is the golden west into which his sun sinks, and sinking, casts back a glory upon the leaden cloud-tack which had darkly besieged his day.

Mr. President, these are not idle ceremonies. Good men live not in vain. We do well to arouse the aspiration of the rising generation by telling of those who served the people faithfully and well by telling the simple and beautiful story of a life well spent, trials and difficulties overcome, the days and nights of toil and struggle, and at last the victory won, the Christian life, the living faith, the hope of better life in the great beyond.

A great, good man has gone forever. His memory will be enshrined in our hearts and bring encouragement to all who aspire to leadership, who love their country and would serve their fellow citizens.

Let us indulge the hope that when our friend crossed the dark river he awoke rejoicing to rest "in that home of the soul" which "I fancy but thinly the veil intervenes between that fair city and me."

Beyond the flight of time,
Beyond this vale of death,
There surely is some blessed clime
Where life is not a breath.

Mr. CARTER. Mr. President, during this session of Congress the Senate has been called upon to suspend its ordinary legislative work to an unusual extent to pay tributes of respect to the memory of deceased Senators. The hand of death has fallen heavily upon the Senate during the Sixty-first Congress.

This day is devoted to the memory of two former Members, who were very near and very dear to their colleagues—Senator CLAY, of Georgia, and Senator DOLLIVER, of Iowa. Words of commendation spoken for one might well be applied to both of these distinguished men.

My committee relations were such as to bring me into intimate association with Senator CLAY, and I embrace the sad privilege of bearing witness to his balmeless life, his splendid ability, and his tireless devotion to duty. For more than 10 years we served together on the Committee on Post Offices and Post Roads, and for 5 years of that time we were associated as members of a joint committee of the two Houses charged with the investigation of alleged abuses of the second-class mail privilege and the proposed reorganization of the Post Office Department and the postal service. That joint committee consisted of Senators PENROSE, CLAY, and CARTER, on the part of the Senate, and Representatives Overstreet, GARDNER of New Jersey, and Moon of Tennessee, on the part of the House.

The task assigned was extremely difficult and the labor involved correspondingly great. All Senators witnessed the close attention and the vigilant watchfulness of Senator CLAY in this Chamber, but it was given to the members of the Post Office Committee and the joint committee of the two Houses to observe the painstaking care and singular devotion of the Senator in dealing with facts, figures, and details, of which the public at large have little or no knowledge.

The serious work of our legislative body is performed by its committees, and this is notably true of the United States Senate; and, in turn, the actual work on each committee is performed by a minority of its members, the majority dealing, as a rule, only with the general principles involved. In the last analysis it falls to the lot of one, two, or three members of a committee to take special charge of important measures, to master the details, approve the phraseology, and determine the constitutionality of the measure before reporting it to the full committee and ultimately to the Senate.

ALEXANDER S. CLAY was one of those possessed of both the ability and the inclination to perform this onerous kind of service. Although tenacious of his own opinions, he was always open-minded and tolerant in his consideration of the views of others. Always firm but never dogmatic, he was both helpful and accommodating. Although adhering to his own views with sufficient strength to test the policy, the logic, and the wisdom of the counter proposition, he was always prepared to accept the true and correct view when that view was clearly developed.

Two large volumes stand as monuments to the labor of the joint committee on postal rates and postal reorganization, and to the memory of our deceased colleague must be placed a full measure of the credit for all the committee did in preparing the way for a more enlightened and efficient organization for the greatest business department connected with any government in the world.

Senator CLAY died a victim to what may well be termed a mistaken sense of duty. It was apparent to his colleagues in the Chamber that he had overtaxed his strength and was jeopardizing his life by refusal to leave the post of duty for needed rest. Time and again I urged him to withdraw from this field of exacting labor, to repair to some place where he could secure needed rest and exemption from the burdensome duties of his great office. He realized the peril, but in tones of touching resignation he said, "I know that I should not be here, but I can not leave my post."

I have no doubt that he would be alive to-day had he not continued in the Senate throughout the last session of Congress. When the vacation came with the adjournment his overtaxed constitution had become so weakened that recovery was impossible.

He repaired to his home in the State he loved and served so well, and after lingering for a time, surrendered his hovering powers of life to the final impulse.

Like the majority of Members of this body, Senator CLAY was a product of the farm. From obscurity and poverty he reached great distinction and high official recognition at the hands of his countrymen. In his death the State of Georgia suffered a great loss and the Nation at large was by that sad event deprived of the services of a pure, high-minded, and efficient public servant.

To those near and dear to our departed colleague we can give little in the way of consolation, nor is it necessary to attempt to console by mere words of mouth, for by an honorable career and through duty well and faithfully performed in every relation of life, ALEXANDER S. CLAY left to his countrymen and to his family not only consolation, but cause for rejoicing.

Mr. LA FOLLETTE. Mr. President, I saw him first nearly a quarter of a century ago, mounted on a table, addressing the crowd of delegates that thronged the headquarters of a presidential candidate at a national convention. I see his commanding figure as plainly now as then, and again I hear his

animated and stirring appeal, his eloquent periods, his flashing wit. It was young DOLLIVER, of Iowa, pleading with visiting delegates to nominate Allison as the Republican candidate for the Presidency. For several days before the balloting began this remarkable young orator made the Iowa headquarters the center of interest when the convention was not in session.

That same year he was elected a Member of the Fifty-first Congress and entered upon his brilliant public career. His delightful personality, his rare talents, won him strong friends and high rank at once. I was then a Member of the House, and we became friends. At the close of that Congress he was returned to the House. I was defeated, and returned to my State. He came to the Senate, and our ways lay apart for some 16 years. The difference of environment and experience separated us somewhat in our opinions as to men and measures. Both of us carried our convictions to the public platform, covering the same States and often addressing the same audiences. While each recognized the differences of those years, our friendship was unbroken, and a brief service here in this body brought us into perfect agreement on public questions and knit closer the ties of that friendship which I shall cherish while I live.

When Senator DOLLIVER entered public life, and for many years thereafter, party feeling was very strong. Issues, the offshoot of those which had riven this country with civil strife, still swayed political conventions and found prominence in political platforms. The life here, to the prejudice of the highest public service, does much to furnish artificial stimulus to party regularity. None of us wholly escape its influence.

But, sir, as the years unfolded, as evil fostered in privilege grew strong and bold, its aggression roused the giant strength reposing in this man of power. He was no longer simply the polished orator, charming with eloquence and epigram, but a new being in the grip of a mighty conviction, armed with the truth, against which organized wrong, unable to stand, broke and fled in consternation.

Who that heard him in the debates of 1909 and 1910 can ever forget? He seemed to have brought back to us something of the greatness of the Senate of other days. The impression upon the country was scarcely less profound. His power was felt in every commercial center and by every fireside in the Nation. His scathing denunciation of the "brutal tyranny of great interests" seared like a hot iron those whom he charged with "capitalizing the schedules of our tariffs." His prophecy of the "good time coming, when this people shall so frame their statutes as to protect alike the enterprises of the rich and poor in the greatest market place which God has given to His children," strengthened the hope of democracy and the resolution of good men and women in every home throughout the land.

The generations had been preparing him for his work. By ancestry, endowment, training, he had been made ready to challenge wrong and oppression.

It was not alone his eloquence, the purity and rhythm of his diction, the fine touches of vivid imagination, the dazzling play of his nimble wit, but over and above all was the everlasting righteousness of his cause, the appeal for human rights that will not be denied—God's eternal justice, the fundamental law of social life.

He was cast in a heroic mold—a giant with the tenderness of a little child. His powerful blows leveled against wrong made him a host in the present struggle for political justice. His was a philosophic spirit. He held no grudges, harbored no animosities. His opponents feared and respected him. His comrades loved him as a brother.

Anything which we may say here to-day can but imperfectly suggest the beauty and symmetry and power of this remarkable character. When loving hands shall give his addresses and writings to his country, they will best portray the life and services of JONATHAN PRENTISS DOLLIVER.

He set the mark of his genius upon everything he touched.

Out of the libraries which have been written on Lincoln, where will be found anything superior to these words which brought all his hearers cheering to their feet when they fell from the lips of DOLLIVER:

Who is this, sitting all night long on a lounge in the public offices of the White House, listening, with the comments of a quaint humor, to privates and officers and scared Congressmen and citizens who poured across the Long Bridge from the first battlefield of the rebellion to tell their tale of woe to the only man in Washington who had sense enough left to appreciate it or patience enough left to listen to it? Is it the log-cabin student, learning to read and write by the light of the kitchen fire in the woods of Indiana? It is he. Can it be the adventurous voyager of the Mississippi, who gets ideas of lifting vessels over rifles while he worked his frail craft clear of obstructions in the stream, and ideas broad as the free skies, of helping nations out of barbarism as he traced the divine image in the faces of men and women chained together, under the hammer, in the slave market at New Orleans? It is he. Can it be the awkward farm hand of the Sangamon who covered his bare feet in the fresh dirt which his plow had turned up to keep them from getting sunburned while he sat

down at the end of the furrow to rest his team and to regale himself with a few more pages of worn volumes borrowed from the neighbors? It is he. Can it be the country lawyer who rode on horseback from county to county with nothing in his saddlebags except a clean shirt and the Code of Illinois, to try his cases and to air his views in the cheerful company which always gathered about the courthouse? It is he. Is it the daring debater, blazing out for a moment with the momentous warning, "A house divided against itself can not stand," then falling back within the defenses of the Constitution, that the cause of liberty, hindered already by the folly of its friends, might not make itself an outlaw in the land? It is he. Is it the weary traveler who begged the prayers of anxious neighbors as he set out for the last time from home, and talked in language sad and mystical of One who could go with him and remain with them and be everywhere for good? It is he.

They said he laughed in a weird way that night on the sofa in the public offices of the White House, and they told funny tales about how he looked, and the comic papers of London and New York portrayed him in brutal pictures of his big hands; hands that were about to be stretched out to save the civilization of the world; and his overgrown feet; feet that for four torn and bleeding years were not to weary in the service of mankind. They said that his clothes did not fit him; that he stretched his long legs in ungainly postures; that he was common and uncouth in his appearance. Some said that this being a backwoodsman was becoming a rather questionable recommendation for a President of the United States; and they recalled with satisfaction the grace of courtly manners brought home from St. James. Little did they dream that the rude cabin yonder on the edge of the hill country of Kentucky was about to be transformed by the tender imagination of the people into a mansion more stately than the White House; more royal than all the palaces of the earth; it did not shelter the childhood of a king, but there is one thing in this world more royal than a king—it is a man. (Extract from address of Hon. JONATHAN P. DOLLIVER, delivered at the annual Lincoln dinner of the Republican Club of the city of New York, Feb. 13, 1905.)

It is very hard to be reconciled to the loss which the country and the cause of human rights sustained when he was summoned. We can not understand. We can only bow in submission, grateful that God spared him to do the work which rounded out his great career, and gave his enduring name to the plain people of America.

He had climbed to the summit of the mountain. His vision swept the wide horizon. He was ready for the highest service which man can render unto men.

And then—almost without warning—came the mandate:

Be ye ready; the summons cometh quickly.

And in the twinkling of an eye the impenetrable shadow fell about him, and he was gone.

We look for him in vain. We cry aloud, but death makes no answer to the living. We can not know whether our cry is heard. Baffled, we can only blindly call across the tomb to our beloved companion: Hail, hail, and farewell!

Mr. BAILEY. Mr. President, in my time I have known and loved many true and noble men, but I never knew and I never loved a truer or a nobler man than the late Senator CLAY. He was one of those perfect characters that grow on us day after day and shame us for our own imperfections.

It was my privilege, sir, during the last years of his service here to sit by his side, and I came to know him almost as a brother. I saw the workings of his mind and I saw him always striving and eager to know and to do the right. During all of my intimate association with him I can say of him what I would deem a sufficient epitaph for my most partial friend to write of me when I am gone, and that is, he never acted and he never spoke an unworthy deed or thought.

He was not great in the sense in which some men use that word, but he was great according to the best sense in which it can be used, because true greatness in this world consists in always being right, and not one amongst us here erred so seldom as did that splendid man.

When I was younger I thought men were only great when God had given them such power of speech that they could move the multitude to tears and shouts, but, sir, I have lived long enough to change my mind. So often have I seen men gifted with great eloquence speak as if they were inspired, and ere the echo of their voices had died away and while the music of their voices was still enthralling the audience I have seen them cast some very foolish vote.

And so I have concluded that the really great man in this world is not the one who stirs our souls to their profoundest depths, but he is the one who teaches us to do what is right; and such a man was Senator CLAY. Responsive always, here and everywhere, to calls for sympathy, he was responsive more to justice. He understood the distinction, which all public men should cherish, between the privilege of a man to do benevolence and the duty of a Senator to do justice. His hand was "open as day to melting charity" with what belonged to him, but when he came to appropriations from the public Treasury he set his face like flint against the waste of the people's money.

No man of any generation better deserved the tribute which Blaine paid to the southern statesmen of the time before the war, when he said that they were liberal and even lavish with

the money which was their own, but they regarded the public money as a trust fund and spent it only for the Government's necessities.

He was a plain man, too, in the sense that every honest man beneath the flag of this Republic could approach him and petition him for justice. No formalities, even in this high station, ever removed him from the people whose commission he bore, and I have seen the pages bring him cards when he was engrossed with some question before the Senate, but whenever there was the name of a Georgian written on it he always answered it in person. Promptly and cheerfully, no matter how much he was occupied, he answered the call of every man or woman who came to the Capitol of this Republic from the State which had honored him with a seat in this great assembly.

He was a demagogue, sir, in the older and better sense of that word, which implied that he was a leader of the people against class and privilege; but he was anything but a demagogue in the modern sense, which means that a man follows rather than leads the people.

He believed as earnestly as man ever believed before him and as man will ever believe after him in the intelligence and in the patriotism of the American people, and he never feared to trust their sober judgment for his vindication when he believed that he was right. If he had one shortcoming as a public man it was his intense anxiety always to be right. I have seen him worry even when his fatal illness was on him; and one day I said to him, "My friend, you are killing yourself not only with work—I doubt if that ever killed any man—but you are killing yourself with work and worry." "Well," he said—and he said it with the simplicity of a child—"I am always afraid that upon these great questions I may give a vote that in the years to come will work an infinite injury to my people and to my country."

Mr. President, it was difficult to chide a sublime consecration to the public service like that, and I could make no answer to him. He not only professed this fear of being wrong, but he lived it, and I saw him work until he fell a sacrifice, as the Senator from Montana has so well said, to his all-controlling sense of duty. Perhaps, after all, that is the most glorious death that can come to men. The soldier on the field of battle, meeting his death in a furious charge, deserves no credit, for, stimulated by the strains of martial music and under that strange spell woven around them by the cannon's roar, men feel no danger and fear no death. But here in civil life, with nothing to stir his blood or move his passions, he is brave beyond all description who unflinchingly looks death in the face and refuses to flee its presence.

Mr. President, many have fallen from these high seats into an honored grave; many have left behind them friends to mourn and fame to live; but amongst all who have gone before us not one went to a more certain reward than ALEXANDER STEPHENS CLAY, for if he had one faith sublimer than his confidence in his countrymen it was his faith in God. He did not proclaim, as so many men of less sterling virtues have done, his belief in a state to come. He did not stand upon the corners as the publicans of old, inviting those who pass to applaud his righteousness. But, sir, he died believing in God and in the Scriptures, and, like all others who have so died, he shall live again.

Mr. BACON. I desire to state that my colleague [Mr. TERRELL] was to have taken part in these exercises to pay a tribute to the memory of the late Senator CLAY, but he is necessarily deprived of that opportunity by his personal illness, which has detained him from the Chamber.

Mr. GORE. Mr. President, I do not rise to pay either an adequate or a studied eulogy to our late friend, our lamented colleague and associate. I do not rise to lift up a splendid monument to his memory. I come to plant a flower upon his grave and to pay a loving tribute to his services and to his character.

We do honor to ourselves in the observance of this ancient custom of the Senate. Mr. President, even the savages of the wildwood held in affectionate remembrance those warriors who were loved in life and lamented in death. How much the more fitting then that we who are heirs to all the ages should commemorate the deeds of those mighty dead whose spirits still rule us from their sacred urn. How much the more fitting that we should commemorate the services of those who have bequeathed to us a legacy of glory that can not fail so long as public and private virtues are revered among the sons of men.

In every time and in every clime the undying dead have risen and have lived again. Some have lived again in the beaten brass and in the sculptured marble. Some have lived again in story and in song. But, sir, these fleeting tributes may pass with their authors to the oblivious tomb. The beaten brass may buried lie beneath the accumulated dust of ages. Even the marble may molder and surrender its epitaph to the untiring tooth of time. All these tributes, all these memorials, await alike the inevitable hour. They pursue those paths that lead but to the grave. The best and the brightest monument which we can dedicate to our friends that are gone, the holiest shrine that we can consecrate to our departed patriots, must be found in the hearts and in the memories of their countrymen.

Mr. President, the pyramids still stand, but the names of their royal builders have hardly escaped forgetfulness, and are now remembered rather for the oppression and the miseries that they wrought. Scholars may dispute as to the tomb of Mary's Son, but no one will be found to deny the beneficence of His influence and His example.

The fame and the name of DOLLIVER are secure. He won his way to the exalted station which he occupied and which he adorned. He was born of unpretentious parents in a modest home in Virginia. The modest American home has ever been and must ever be the nursery of true genius and of true greatness. His opportunities were limited, but his ambition was unconfined; not that "ambition which overleaps itself," but, sir, that ambition which seeks no other outlet than service and seeks no other reward than merited honor.

Nature dealt generously with our lamented friend and he was grateful unto her. She gave him more than ten talents and he increased his talents more than twofold. He was both brilliant and versatile; but, sir, he added depth to versatility, and he added weight to brilliancy. By talent and ambition not alone did he succeed. Men have been possessed of both, yet wanting untiring industry, have failed. Men have wanted both, yet possessing an energy that did not falter, have achieved and have deserved success. Unflinching effort and ungrudging self-sacrifice go far to make up the price of his success.

The best possession of a free people is their men of high character and unspotted integrity. The best heritage of a free people is the influence and the memory of such men.

The lesson of DOLLIVER's life is this, that in his youth the time had not come, and that the time has not yet come, when every gate is barred with gold and opens but to golden keys. Worth was the key whereby he did advance. We have in this country a democracy of worth instead of an aristocracy of birth. Much of the glory of our institutions, much of the glory of our history, is due to the fact that American society can avail itself of the best talents born beneath our flag.

Access to opportunity explains much of our history. Whatever glory we may achieve in the future, access to opportunity must in great measure account for its achievement.

Any system should be unrelentingly resisted that would cheat talent of opportunity or cheat society of talent.

In the example of Senator DOLLIVER every youth may see the star of hope, and in his achievements may perceive the bow of promise.

Mr. President, there is one striking resemblance in the public services of Senator DOLLIVER to the public services of the great English prime minister. Mr. Gladstone began his political career as a high Tory, as a conservative of conservatives. He closed his long and illustrious life as the chosen and acknowledged leader of the liberal sentiment of the United Kingdom. The liberality of DOLLIVER was rational, was temperate, was judicious. He assailed nothing old merely on account of its antiquity; he accepted nothing new merely on account of its novelty. He accepted the good notwithstanding its age, and he likewise accepted the good notwithstanding its youth.

I believe that no man in American public life had a keener appreciation of the tendency of the times. He looked as deeply as any man into the secret causes which are to-day responsible for the currents and countercurrents that are agitating public life in America.

I have sometimes thought that while he united ethics to politics, he allowed the moral side to preside and to predominate over political considerations, and I have also thought that during the last session sometimes the shadow of the coming event was falling across his way, and that the light of another world was even then breaking upon his vision.

DOLLIVER loved his fellow men, and he was loved by them in return. He was just. He neither hated nor flattered the rich

on account of their riches, nor patronized the poor on account of their numbers. He could not be lured from the path of duty by the blandishments of wealth nor driven from that straight and narrow way by the mutterings of the mob. Unlike the time server, he did not hover about the heels of progress nor did he, like the revolutionist, outrun the vanguard of rational reform and of enlightened advancement. He held the scales of justice with even hand. He was both just and generous; but, sir, he deemed it better to be just than to be generous.

It has been said that republics are ungrateful. I have never been willing to own that harsh impeachment. I believe the people are wise to know and generous to reward their friends. I believe the example of DOLLIVER demonstrates that the people are willing to render honor where honor is due. In his life and in his death he enjoyed the affectionate confidence of the American people, and the desponding statesman may well look upon his fate and his destiny and be of good cheer.

Mr. President, if usefulness were a safeguard against the last dread summons, DOLLIVER had survived. His country needed his services; the Senate could not spare so useful a Member; the Republic could not spare so useful a public servant. Progress lost an apostle, freedom lost a friend, liberty lost a lover when DOLLIVER died.

He was a champion of the right; he was a challenger of the wrong. No more have we his presence, his eloquence, and his counsel among us; but we have the best of all heritages, his influence and his example. I feel sure that his life will constitute an example that will prove an inspiration to every youth who to-day is putting on the tender leaves of hope; it will prove at once an assurance and a warning to all those who to-day bear their blushing honors full thick upon them; and his example will prove a consolation to all those who still linger in the sere and yellow leaf. All those who are now in the sunset of life may see in his example those stars that are invisible by day.

Well, Mr. President, may we cherish his memory, for, taking him all in all, we shall too rarely look upon his like again.

Mr. CHAMBERLAIN. Mr. President, when I was honored by being requested to say a few words on this occasion I hesitated to accept the invitation because I felt that there were those of my colleagues in this Chamber who, from a more intimate acquaintance with the late Senator JONATHAN P. DOLLIVER and from long association with him, both socially and politically, were better qualified than I to speak of his many excellent qualities of head and heart. But knowing him slightly, as compared with others here, I had learned to love and admire him, and, yielding to none in my veneration to his memory, I did not feel that I could with propriety decline to say a few words in commemoration of his distinguished services to his country in whatever capacity he was called upon to act.

My acquaintance with him began during the presidential campaign in 1904, and after that I saw much of him, particularly during my service in this body and as a member of the Committee on Agriculture and Forestry, of which he was chairman. Here I came into intimate touch with him socially and officially and had many opportunities to observe his methods of getting at the merit of things affecting the public. He was one of the most remarkable men from every point of view it has ever been my pleasure to meet, and I have sometimes wondered where he found opportunity, in the multitude of his official as well as private engagements, to make of his mind such a storehouse for all the learning that goes to make the polished orator and the finished statesman.

That he was an orator with few, if any, equals in this day and generation, is recognized throughout the length and breadth of the land. Whenever and wherever he arose to address an audience, whether on the rostrum or in a legislative body, he was sure to command the respectful and undivided attention of his audience; and it was the subject of general remark among us here that he was one of the very few members of the Senate who was always able to command the attention both of his colleagues and of the galleries, and this whether those who listened to him agreed with him or radically and essentially differed from him in the opinions he held and in the views he expressed. The previous announcement that Senator DOLLIVER was to address the Senate at a given time, upon any subject, was sure to bring around him his colleagues and insure him the respectful attention of all who heard him.

Not only was he an orator, but his strongest political opponents freely accord to him the elements of the highest statesmanship. In the earlier days of his public career I think it may be truly said that he was rather of the conservative type

of statesman, sometimes following—as I have heard him say—those who had been designated as the leaders of his party even into paths where his better judgment disapproved; but in later years he showed a spirit of independence, which not only placed him in opposition to those with whom he had been wont to work in harmony, but placed him in the front rank of the leaders of a progressive Republicanism. Knowing him as I did, I am unwilling to believe the suggestion that has sometimes been made against him, as it has been made against other strong progressive leaders of his party, that he and they were actuated rather by a desire to win the plaudits of the multitude than to voice the sentiments which came from the promptings of the heart and conscience. On the contrary, I am satisfied that as he grew older and his line of vision extended he felt more independent, and, realizing his ability, grew restive under the restraints of partisan leadership. Shortly before the last address he delivered in this distinguished body he told me that he felt more independent than he had in the earlier days of his public career, and was sure that in the exercise of that independence which he intended should characterize his future conduct he could serve his country best and surely better satisfy his own conscience.

Yet notwithstanding this I am satisfied that in measurably separating himself from those with whom he had been wont to work in perfect harmony he experienced that regret which all good men naturally experience when there comes a parting of the ways for those who for a lifetime have served side by side, burying differences which were nonessential for the purpose of united action on those things which were essential from the party standpoint. As evidence of this I have but to call attention to that last splendid address delivered by him on the floor of this Senate. His motives had been impugned by a portion of his party press and by some of his old associates because he had allied himself with the progressive element of his party. I thought that there was a tone of sorrow in his voice as he dwelt upon the sundering of the older ties, but he nevertheless fearlessly outlined his policy and purposes and masterfully analyzed his own position and that of those who had criticized him so severely.

When—

He exclaimed—

It is said that I betray my party, that I fight against the Republican Party. I deny it. I fight for the Republican Party and propose, with millions of other people, to do what I can to make it more than ever the servant of the great constituency which it has represented for so many years.

I am aware that when one sits down to count the cost of such a struggle as I have outlined, he ought to take into consideration the fact that his motives are likely to be misconstrued; his purposes, however pure they may be, are likely to be disparaged; but such things as those have never injured anybody's standing in society, unless they were acquiesced in by those who were most concerned.

And, again, in speaking of his differences with the distinguished President of the United States, he said:

When he was mentioned as a candidate for the Presidency, I did what I could in my own State and everywhere else to promote his ambition. When he was nominated, I gave up my time, far past the limit of my strength, in presenting his case before the American people from one ocean to the other. When he entered this Chamber to take the oath of office, and the multitude arose with bowed head, every thought went out of my head, every sentiment out of my heart, except that the new President might be endowed with power from on high to grapple with the corrupt influences that stood ready to recapture the strongholds of this Government, and that he might succeed, even where strong men had failed, in protecting this market place against the conspiracies of greed and avarice which have attempted to enslave it.

I have known some of the vicissitudes of life, some of the ups and downs of politics, some of the hardship as well as the good fortune of this world, but I never dreamed that within less than a year I should feel compelled to stand here and for the misdemeanor of taking the President's campaign speeches seriously, and for the still higher crime of regarding the platform of the Republican Party as a binding moral obligation, be called on to defend myself and the little group of men, who stood together as it was given them to see the right, against the charge of treason and disloyalty to the party which they have loved and served all the days of their lives.

I quote this, Mr. President, because I felt when he was delivering it that there was a tone of sorrow in his voice, which no one could appreciate who did not hear him at the time.

During all the debates of the last Congress there was no more masterful analysis from his viewpoint of the tariff measure that had been previously enacted into law than this last address of the distinguished gentleman who was so soon to answer the call of the white-winged messenger of death, and whose memory we are now here to honor, filled as it is with pathos, with hard, cold facts and figures, and with inimitable humor. At times he soared to heights of eloquence and by a sudden anticlimax indulged in a humor, with a characteristic smile and a gesture, that brought a smile to every face, and as

suddenly branched off into a brilliant peroration that compelled the admiring applause of all who heard him.

Senator DOLLIVER was indeed a most remarkable type of man. Born as he was amid the mountains of Virginia, I have often wondered if this early environment did not have much to do with the development of his character and of his mind, which had so much of poetry and pathos, and yet of manly strength in it. He was wont often to speak of this environment and of the rugged mountains that as a youth he daily looked out upon, and many of the word pictures painted by him could only have found inspiration in the snowcapped peaks and rugged ranges that he learned to know and to love as a child. He always spoke with veneration of the old State of his birth, and most loyally loved that of his adoption. He loved his party and revered the memory of the fathers of the Republic, and on the occasion of his last address, to which I have referred, he said:

I was born in the Republican Party, down among the loyal mountains of Virginia. I think I know what the articles of its faith are. From my youth I have pored over the pages of its history and found inspiration in all of its high traditions. I have followed its great leaders and sought direction in the wisdom of their counsel. We have sometimes lived in very humble houses, but we have never lived in a house so small that there was not room on its walls for the pictures of the mighty men who in other generations led it to victory; and now my own children are coming to years and are looking upon the same benignant, kindly faces as I teach them to repeat the story of our heroic age and to recite all the blessed legends of patriotism and liberty.

Senator DOLLIVER was of a strong religious temperament, and I have heard him speak of the wholesome instruction he received from a pious father and mother; not religious in the narrow Puritan sense of the word, because he did not believe it was necessary to go through the world with a long face, closing his heart and conscience to the lighter things, which tend to relieve the monotony of life, or avoiding the contests in which it is necessary for every useful citizen to engage. In an address delivered by him on the occasion of the unveiling of a statue to Gov. Francis Harrison Pierpont, a little more than a year ago, he defined a great man as one—

who fears God, keeps His Commandments, and with an ordinary good sense has the fortune to stand in some angle of the fight where the history of the world is being made. He becomes great because he has the opportunity of doing great things, though before the deed he may not have been lifted up among his fellow men, and though after the deed he may fall into such obscurity as to raise questions within 50 years as to what he did and what manner of man he was.

Many of his utterances might be cited, if time permitted, to show his trust and belief in the one Supreme Ruler of the universe and his reverence for things that make for a better life; but in his intercourse with his fellows, whether officially or socially, in his beautiful family relations as a son, a husband, and a father, are to be found the best evidences of the faith that was in him. How difficult it is to realize that a man who has accomplished so much for his country, for his family, and for his friends has been called hence in middle life and before he had reached the zenith of his splendid promise.

The life of Senator DOLLIVER has been an inspiration and an example to the youth of our land. Attaining the highest place in the gift of the people of his adopted State, through his indomitable courage and energy, he fittingly illustrates the truth of the history of this country that all things are possible of accomplishment to him who, in whatever he undertakes, presses onward and upward. In his death the people of the country have lost a most exemplary citizen, his family a devoted husband and father, and this body one who has at all times set an example of fidelity to duty as God gave him the light to see it. When we think of such a man we can not but hope that there may be truth in what the poet has so beautifully said:

There is no death! the stars go down
To rise upon some other shore,
And bright in Heaven's jeweled crown,
They shine forevermore.

There is no death! the dust we tread,
Shall change, beneath the summer showers,
To golden grain, or mellow fruit,
Or rainbow-tinted flowers.

The granite rocks disorganize
To feed the hungry moss they bear,
The forest leaves drink daily life
From out the viewless air.

There is no death! the leaves may fall,
The flowers may fade and pass away,
They only wait, through wintry hours,
The coming of the May.

There is no death! an angel form
Walks o'er the earth with silent tread;
He bears our best loved things away,
And then we call them dead.

He leaves our hearts all desolate;
He plucks our fairest, sweetest flowers;
Transplanted into bliss, they now
Adorn immortal bowers.

The birdlike voice, whose joyous tones
Made glad the scene of sin and strife,
Sings now its everlasting song
Amid the tree of life.

Where'er he sees a smile too bright,
Or soul too pure for taint or vice,
He bears it to that world of light
To dwell in Paradise.

Born into that undying life,
They leave us but to come again;
With joy we welcome them the same,
Except in sin and pain.

And ever near us, though unseen,
The dear immortal spirits tread,
For all the boundless universe
Is life, there are no dead!

Mr. YOUNG. In our State him whom we mourn to-day had but one name and that was "DOLLIVER." If audiences wished to call him, voices shouted "DOLLIVER." This single name appeared upon all posters announcing his meetings. From the beginning of his career he was an Iowa favorite. His name drew the crowd. But no one called him JONATHAN P. DOLLIVER. That may have been the form upon the legal ballot or in the Congressional Directory. This circumstance is complimentary and means that honor rather than disrespect was intended.

I shall speak of DOLLIVER as I knew him. If I had been selecting a comrade for a journey across the continent, either in a prairie schooner or a palace car, I would have selected DOLLIVER. Every day would have been a new day. Every thought would have been fresh and refreshing. When he looked out of a window he saw more than mountains and streams. He saw more than prairies and crops. He photographed with a lens which painters and poets know. Nature delighted him. Trees and plants told their own story to him. He loved books. The best class of romance pleased him. History and biography delighted him. It is a surprise to know that he seldom attended the theater, though he loved music, and was especially thrilled by patriotic airs. His whole character can be summed up in the statement that he loved his fellow man and was a good comrade with anyone whom he chanced to meet. Acquaintances made on a railroad train often developed into life-long friendship. His charm of manner was in his simplicity, and he was willing to listen as well as to talk. He probably knew more people in Iowa than did any other of our public men. Certainly more people knew him. He had canvassed the State for 25 years and had spoken on all manner of occasions. He held the esteem of all with whom he served in either House or Senate. The relationship existing between himself and Senator Allison will long be borne in the minds of Iowa people. The dead Senator was devoted to his kindred. In all his calculations the thought of his kindred came first. His affection for his venerable father, known in Iowa as "Father Dolliver," was touching. The Senator believed his father to be one of the greatest men, and he remained to that father as a child always.

When President McKinley was governor of Ohio he made a speech in Des Moines. Senator DOLLIVER alternated between two meetings with Gov. McKinley. In one large opera house Father Dolliver was anxious to be near the stage from which his son was to speak. Father Dolliver was a large man and late in life had suffered the loss of a limb. The son stepped from his seat on the stage to assist his father to a better position. He did this unconscious that 2,000 people were admiring his filial devotion. As a rule, Senator DOLLIVER's early friendships lasted through life. No mention of his life would be complete which failed to record what our one-time great editor, Gen. James S. Clarkson, did for the struggling youth. Clarkson discovered many Iowa men, but none reached the fame of DOLLIVER. Clarkson was DOLLIVER's admiring and helpful friend. He never tired in praising the young man's oratory. DOLLIVER was Clarkson's one intellectual gold nugget. The mine proved not to have been salted. Later prospecting developed a richer lead.

In his earlier career the Senator said bitter things in relation to the other party. He had breathed an intensity of feel-

ing following the great war. He had heard bitter talk from his childhood, for all politics were bitterness in his youth. He loved the old soldier and was a favorite at all Grand Army gatherings. One of his favorite utterances was that no decrepit Union soldier should ever be seen going away from the Treasury window bearing the broken promise of Abraham Lincoln. Before being elected to Congress, DOLLIVER had a national reputation as an orator. In the House he was as a cavalry leader. He was called into action when the fight was thick, and, no matter how brief the notice, he was found with well-filled oratorical cartridge box. He seldom sought opportunity for debate, but was willing to respond to the order of his party. DOLLIVER's service in the House might be called educational years, his constructive years, his years of character forming and purpose defining. His friends at home discovered by his service in the House that he was a growing man. As years passed, there came to him intellectual poise. His form of expression grew more conservative. Thus he reached a standing in public estimation of being something more than an orator.

But his intellectual fires burned brightest in the presence of the multitude. This ability, he always felt, was an inheritance from his father.

DOLLIVER MIGHT HAVE BEEN PRESIDENT.

After DOLLIVER had served in the House and his reputation had become national, he was frequently mentioned for the office of Vice President, and some months before his death there had been a conspicuous expression that he would some time be President.

Just before the convening of the Republican national convention held in Philadelphia in 1900, a great western newspaper suggested Senator DOLLIVER for Vice President. The movement grew to be one of importance. I was a delegate to that convention and received a telegram from my associate delegates, already at Philadelphia, to come on at once, prepared to help the DOLLIVER movement and to prepare a speech to be used in placing him before the convention. I proceeded at once to Philadelphia and our political activities began. We opened headquarters. We secured banners and a band of music. Then we began to inquire in relation to our candidate. We discovered that he was stopping with friends in a Philadelphia suburb and that he was much unconcerned in regard to the suggestion of his name. He was urged and yet his enthusiasm did not grow. He was asked to go before the Iowa delegation and finally did so, but with half-unconcerned and lukewarm spirit. The DOLLIVER enthusiasm had not reached DOLLIVER. But his friends continued their campaign in his behalf. Congressional associates visited headquarters and urged the movement forward. But the Senator said that he could not afford to be Vice President; that the social requirements were too many. The only other name mentioned for Vice President was that of Col. Roosevelt. Col. Roosevelt's friends were urging him not to be a candidate and not to accept the place, giving as a reason that four years later they hoped to nominate him for President. This, then, was the situation: Senator DOLLIVER's friends were urging him to accept the vice presidential nomination, regardless of his future, and Col. Roosevelt's friends were determined that he should not accept, having in mind his future. I have always believed that if Col. Roosevelt had not consented to accept the nomination, Senator DOLLIVER would have been the nominee. And thus the whole course of history might have been changed.

The negotiations and consultations among party leaders were numerous. Senators Platt, of New York, and Quay, of Pennsylvania, then conspicuous in party management, were anxious for the nomination of Col. Roosevelt, to make what they called "a well-balanced ticket," meaning that men of different types should be chosen for the two great offices; but these party leaders were unable to secure Col. Roosevelt's consent. A little later in the proceedings these two Senators, now dead, left the field, placing everything in charge of Senator Mark Hanna. Senator Hanna was chairman of the Republican national committee. With his usual energy, he undertook to ascertain the situation. It is doubtless true that he knew the situation. There had been so much in the way of diplomacy between the camps that the situation was generally known to active party men. The first thing Senator Hanna did was to call upon Senator DOLLIVER and his friends. Learning that the Senator did not have his heart in the cause, he asked the Senator and myself to go with him to call upon Col. Roosevelt for the purpose of securing an acceptance or an unequivocal refusal. Col. Roosevelt had all the time refused to say that he would not

accept the nomination for Vice President, refusing to assume that the office was beneath him for the reason that he regarded it as a great office. We called upon Col. Roosevelt. Senator Hanna asked him, "Col. Roosevelt, will you accept the nomination for Vice President?" As I remember it, the Colonel responded, "I will, at your hands and at the hands of the entire Republican Party." Then Senator DOLLIVER turned and with a smile said, "It is all over. My name shall not be used." Senator Hanna assured Col. Roosevelt who would present his name. The Colonel turned to Senator DOLLIVER and Senator DOLLIVER turned to me, remarking that, "You can just change your speech a little and nominate the Colonel." Senator Hanna then, turning to me, said, "It is up to you, young man." My speech nominating DOLLIVER had already gone out to the Press Association and had to be suppressed by wire. This is the story of the Vice Presidency at Philadelphia, briefly told. Senator DOLLIVER and myself have many times agreed to write the story jointly. We disagreed in no detail in our recollections, and I have now given it as I remember it.

At the Chicago convention of 1908 Senator DOLLIVER was urged to accept the nomination for Vice President and again declined, stating to all that he preferred to remain in the Senate.

Senator DOLLIVER will not be longest remembered as a politician. He was not an organizer. He could not band men together except by their affections. He will be remembered longest for his humanitarian side. He was stirred most by what newspapers call "human interest stories." This is true of all men who have hearts. Of all themes, man is the greatest. Of all texts he is the first. DOLLIVER's mind seemingly never rested. When sitting upon his front porch his scintillating remarks played like sunshine through the branches of the trees, adding brightness to the circumstances surrounding him. He was a rare comrade. The humblest loved him, others respected and admired. None hated him. It is pitiful to know that before he died he could not have known that all the people of Iowa loved him as in former years, and that new political conditions had not actually dimmed the memories of the past or caused all the State to lose interest in the youth whose activity had been their activities and whose achievements had been their achievements.

When strong men die in their prime others say "what a pity." But is it a pity? DOLLIVER lived his day, fought his fight, won a great name, established a home, and leaves to his descendants a heritage as enduring as time. He might have left a fortune, but, according to his own theory, this would have been a misfortune. In his own defense of American youth he many times said "The farther you can disconnect the young man from fifty thousand a year, the better for him." He did not believe in riches and idleness as a means of mental and moral growth. His own experiences mellowed his life and created his philosophy. His friends discovered, in the discharge of his duties, that his purposes were patriotic, his love of country genuine. If we shall always send such men to the Senate revolutions will represent the advancement following thoughtful consideration, weighed in the balance of judgment, and the Republic will be secure. In all his intensity, he never forgot his responsibilities to his country. He was one of the few men who could interest and sway the multitude by a speech full of patriotism and optimism.

His life's labors are ended. His neighbors and friends and an admiring people are preparing to build a monument marking his resting place. The shaft will look from an eminence to the valley of the Des Moines River. From this position the eye can see busy people and moving trains. Generations will come and go, and the name of DOLLIVER will not be forgotten.

Last evening the residents of this capital witnessed a beautiful sunset. The clouds were red, purple, and gold. The west was in its glory. Viewed from the western steps of the Capitol of the Nation, there, in the background of this wonderful picture, stood the Nation's monument to Washington. It was a scene to inspire the painter. The shaft, in its simplicity, pierced the sky and stood in the illumination as if it were an American outpost with the light of history behind it. Thus stands out, from the achievements of a life, a strong character. Thus will stand DOLLIVER in the years to come.

Mr. President, as a further mark of respect to the memory of Mr. CLAY and Mr. DOLLIVER, I move that the Senate do now adjourn.

The motion was unanimously agreed to, and (at 6 o'clock p. m.) the Senate adjourned until Monday, February 20, 1911, at 11 o'clock a. m.

HOUSE OF REPRESENTATIVES.

SATURDAY, February 18, 1911.

(Continuation of the legislative day of Friday, Feb. 17, 1911.)

The recess having expired, the House was called to order at 11 o'clock a. m. by the Speaker.

ORDER OF BUSINESS.

Mr. SIMS. Mr. Speaker—

The SPEAKER. For what purpose does the gentleman rise?

Mr. SIMS. To move that the House go into Committee of the Whole to consider the bill S. 7971, which was before the House yesterday.

Mr. MANN. Mr. Speaker, that motion is not in order, and I demand the regular order.

Mr. UNDERWOOD. Mr. Speaker, I desire to hear what the gentleman's point of order is.

The SPEAKER. The Chair will hear the gentleman from Illinois on his point of order, in connection with his demand for the regular order. The gentleman from Tennessee has submitted a motion which might be the regular order.

Mr. MANN. Mr. Speaker, I shall not detain the House long. The question is whether the House meets to-day in accordance with the rules of the House that requires the House to meet on this legislative day, or whether it meets to-day in pursuance of a motion last night for a recess until 11 o'clock. If this is the legislative day of Saturday and the House meets in pursuance of the rule that the House meet daily at 11 o'clock then the regular order is the prayer by the Chaplain. If the Speaker holds that the House is now in session as on the legislative day of yesterday, the motion of the gentleman from Tennessee is in order.

Mr. UNDERWOOD. Mr. Speaker, I desire to say, in answer to what the gentleman from Illinois has said, that as the Speaker knows, last night the House took a recess until 11 o'clock to-day. There was no adjournment of the House yesterday. The position I take is that until there is an adjournment there is no termination of the legislative day. I refer the Speaker to Hinds' Precedents, volume 5, section 6738, in which it states:

There must be an adjournment before the legislative day will terminate, and an adjournment does not take place by reason of the arrival of the time for the regular daily meeting of the House.

The legislative day continues until terminated by an adjournment, irrespective of the passage of calendar days.

Instances of prolonged dilatory proceedings in the House.

Form of the resolution by which general debate was closed in Committee of the Whole in former years.

On May 11, 1854 (Thursday), the House was considering the following resolution, submitted by Mr. William A. Richardson, of Illinois:

Resolved, That all debate in the Committee of the Whole House on the state of the Union on the bill of the House (No. 236) to organize the Territories of Nebraska and Kansas shall cease at 12 o'clock m. to-morrow (if the committee shall not sooner come to a conclusion upon the same); and the committee shall then proceed to vote on such amendments as may be pending or offered to the same, and shall then report it to the House with such amendments as may have been agreed to by the committee.

By the alternation of dilatory motions the proceedings on this resolution were greatly prolonged, and after there had been 65 roll calls, the hour of 12 o'clock m. (Friday) having arrived, Mr. Gilbert Dean, of New York, rose and inquired whether, under the first rule, it was not now the duty of the Chair to cause the Journal of the preceding day to be read.

The Speaker stated that the rule referred to required the Speaker "to take the chair precisely at the hour to which the House shall have adjourned on the preceding day;" but as there had been no adjournment, he thought there could be no new meeting of the House, and that the legislative day, which commenced yesterday at 12 o'clock m., would not terminate until the adjournment did take place. He consequently decided that the Journal could not now be read.

It seems to me that that precedent—and there are a number of others in the same line—clearly sustains my position, and, more than that, this House should have the right to control its own business. There was a matter of business in order yesterday that the majority of the House desired to terminate before the legislative day ceased. There may be other business before the House that some other gentleman may prefer to take up, but unquestionably the majority of this House ought to have the right to determine what legislation shall be passed in the House, and the House, by a majority of the House, has a right to continue in the session of a particular day so long as it desires.

Now, Mr. Speaker, because the House ran beyond the calendar day on which it commenced doing business, to say that the House was deprived of the right to go ahead and transact the business that the majority Members of the House desired to transact would be to suppress the will of the House by a precedent that prevented it from doing business in the manner the House preferred. Besides that, the rules themselves state that the legislative day shall terminate on the adjournment of Congress. Now, the fact that the House projected a recess up to the time that another legislative day commenced clearly is not terminat-

ing the first recess. I think the whole question revolves on that proposition. Even if it did not, if the House recessed to the beginning of another legislative day, as it did to-day, the moment the Speaker found himself in the chair—and he can not divide that moment—the moment he found himself in the chair, in accordance with the recess of the House he found himself in the legislative day of Friday, under the order and rule of the House, as directed by a majority of the Members of this House.

Therefore I insist that the proposition of the gentleman from Tennessee, to go into the Committee of the Whole to consider a bill that was in order on the legislative day of Friday, is the regular order, and he is entitled to recognition for that reason.

Mr. MANN. Mr. Speaker, under the rules the regular hour of meeting of the House is 11 o'clock. The House last night, by vote, took a recess until 11 o'clock to-day, precisely the same time. The gentleman from Alabama [Mr. UNDERWOOD] presents some precedents clearly correct, and claims that these precedents sustain him in his contention that the House has a right to take a recess, and until the House adjourns it does not meet until another legislative day. The precedents which the gentleman cites are precedents where the House took a recess until a time prior to the regular hour of meeting of the House, and when the time for the regular hour of meeting of the House arrived the Speaker found himself in the chair under the prior legislative day; and if the House yesterday had taken a recess until 10 o'clock this morning, or until 10 o'clock and 59 minutes this morning, when the hour of 11 o'clock had arrived the Speaker would find himself in the chair under the legislative day of yesterday, and the precedents are that that would not constitute an adjournment of the House by reason of the fixing of the hour for meeting this morning.

But let us see what the effect of the contention of the gentleman from Alabama is. His contention is that until the House adjourns it can not meet on another legislative day, that it may take a recess instead of adjourning. On that theory the House might have taken a recess until 12 o'clock to-day—

Mr. UNDERWOOD. I think so.

Mr. MANN. I understand that is the gentleman's position—might take a recess until 12 o'clock to-day, and the House could not meet at 11 o'clock then—I take it that is the gentleman's position—as of this legislative day. Let us see what the effect of that is. If the House can take a recess until 12 o'clock to-day, an hour later than the hour for meeting of the House, it could take a recess until 5 o'clock to-day. That is the gentleman's contention?

Mr. UNDERWOOD. One of his contentions.

Mr. MANN. It could take a recess until 12 o'clock Monday, it could take a recess until 12 o'clock next Saturday. Is that the gentleman's contention?

Mr. UNDERWOOD. Of course I recognize we could not take a recess beyond three days at a time.

Mr. MANN. Ah, that is just it. There is no limitation in the Constitution in reference to taking a recess.

Mr. UNDERWOOD. There is a limitation on adjournment and there is a limitation on recess.

Mr. MANN. There is a limitation on adjournment but no limitation on a recess. If the House can take a recess and is not required to meet on the regular day of meeting, while it can not adjourn for more than three days it can take a recess for three weeks. The gentleman's contention is that under the rules the House can not meet in its daily meeting until it meets under the recess provision. If the gentleman's contention is correct, it proceeds to violate in spirit, if not in effect, the terms of the constitutional provision that neither House during the session of Congress shall without the consent of the other adjourn for more than three days, nor to any other place than that in which the two Houses shall be sitting. That is a question of adjournment. The Constitution says that the House shall fix its time and place of meeting. It has fixed the time and place of meeting. It fixed the time of meeting this morning under adjournment at 11 o'clock. It could not adjourn yesterday for more than three days.

Now, Mr. Speaker, there is absolutely no escape from the logic of that situation. If the House can not meet on a new legislative day until it has adjourned on the previous legislative day, and it has the power to take a recess that runs over the next legislative day, there being no restriction on that in the Constitution, and while the Constitution provides in effect the House can not disband for more than three days without the consent of the other body, then if it can take a recess that runs it beyond the hour of meeting, it could take a recess for three weeks or three months. The gentleman is absolutely driven into the position under his contention that while the House may take a recess or run over one legislative day it can not take a recess running over three legislative days, and his position is that the House can not meet on a new legislative day until it

has adjourned on the previous day. Now, the Constitution contemplated that the House could not adjourn for more than three days, and the gentleman thereupon offered precedents to show that a recess can run over, and what are those precedents? Those precedents are where the House finds itself in session; absolutely correct.

Mr. UNDERWOOD. What is the difference?

Mr. MANN. The House finds itself in session and there is no disbandment of the House, and the taking of a recess over to the legislative day when it was not in session on the next legislative day; but the position of the gentleman is that it can take a recess without limitation.

Mr. SHERLEY. Will the gentleman permit me a question?

Mr. MANN. Certainly.

Mr. SHERLEY. When does the House meet after its first meeting?

Mr. MANN. What is the question of the gentleman from Kentucky?

Mr. SHERLEY. The question is, When does the House meet after its first meeting?

Mr. MANN. It has to be fixed by order of the House.

Mr. SHERLEY. Yes; it meets at the time provided in the adjournment of the House.

Mr. MANN. Oh, not at all. The House might not provide that time by adjournment.

Mr. SHERLEY. It provides the time, necessarily so, in the general order or a special order at the time of the adjournment. Now, to what time has this House adjourned?

Mr. MANN. Ah, but the motion to fix the hour of adjournment for the next day was not in order and could not be in order under the rules of the House.

Mr. FITZGERALD. It was as much in order as a motion to recess was.

Mr. MANN. Well, that is another proposition. If the House takes a recess and runs beyond the hour of adjournment fixed by the House it must meet at the time fixed by the House by the general rule, and when it adjourns to the same hour it meets under the rule of the House providing that it shall meet on that day, which is the next legislative day, and if the gentleman's contention is correct and it is conceded on that side of the House and in the next Congress the gentlemen find themselves in a minority upon some afternoon in the House and this side of the House should desire to have a recess for several days, there would be no way of calling the House together, no provision made by which the Speaker or the entire House could meet and transact business.

Mr. SHERLEY. Will the gentleman yield to me for another question?

Mr. MANN. I will.

Mr. SHERLEY. Suppose the House undertook to adjourn beyond three days, would there be any way by which the House could meet?

Mr. MANN. Why, certainly. My contention is that if the House takes an adjournment beyond three days under the rules of the House the House meets the next day at 12 o'clock, at the hour fixed, because the power to adjourn beyond three days is unconstitutional and there is no provision against taking a recess—

Mr. HARDY. Will the gentleman permit a question?

Mr. MANN. Yes.

Mr. HARDY. I believe the gentleman is right when he says it can not recess beyond the legislative day, but I want to know when a recess is taken until 11 o'clock if immediately when the Speaker comes to call the House at a regular legislative session he does not find it here automatically in session on this day.

Mr. MANN. Oh, not at all. There is no logic about that.

Mr. HARDY. And a continuous session.

Mr. MANN. The only proposition is whether the House could take a recess that runs beyond the hour of meeting. If the House can not do that, we meet under the rules of the House.

Mr. HARDY. But we are in session now, is the point I make.

Mr. MANN. If we meet under the rules of the House fixing the hour of adjournment, we meet on the legislative day of Saturday. If we meet by virtue of the motion carried to take a recess, we meet on the legislative day of yesterday.

Mr. HARDY. The gentleman does not understand me.

Mr. MANN. I understand. The gentleman does not understand the question.

Mr. HARDY. The gentleman does not understand me.

The SPEAKER. Has the gentleman from Illinois [Mr. MANN] concluded?

Mr. MANN. I yield the floor.

Mr. UNDERWOOD. Mr. Speaker, I only have a few words to say in reference to the gentleman's constitutional argument. The gentleman asserts that if we can take a recess beyond the legislative day we can take a recess beyond the time that the Constitution prescribes that this House can take an adjournment. Now, it is very clear that the House can take an adjournment for two days; it can take an adjournment for three days, because it is within the terms of the Federal Constitution, but it can not take an adjournment for five days, because it is prohibited by the Constitution. If the House took an adjournment for five days it would be in violation of the Constitution, and at the end of the third day the general rule would be in operation for the Speaker to call the House together. Why? Because the order was prohibited by the Constitution, and for that reason alone.

Now, the same thing applies to the matter of recess. The House can take a recess within the terms of the Federal Constitution where there is no rule to prohibit it from doing so, but if it takes a recess beyond the time that the Constitution of the United States says it shall not adjourn or recess to, why, of course, the order then is inoperative, because it has gone beyond the time fixed by the Constitution in which the House must again assemble.

So I do not think there is any more force in the constitutional argument of my friend if it is within the three days than there would be to argue that we might take an adjournment for five days. It is all in the same line, absolutely. This House to-day, at this hour, can pass an order for adjournment for five days. Now, that would not be a valid order, because it would be in violation of the Constitution, and at the end of three days the Speaker, under the general rules of the House, would be compelled to call the House together. But any adjournment within the limitations of the Constitution would be in order.

Now, the same thing applies to a recess. There is no rule in this House that prescribes that the House shall not recess as long as it wants to do so. The precedents all recognize the fact of a legislative day. The Constitution, Mr. Speaker, contemplates calendar days, and we could not continue a legislative day and go beyond the calendar days contemplated by the Constitution.

The SPEAKER. Will the gentleman allow the Chair a suggestion?

Mr. UNDERWOOD. Certainly.

The SPEAKER. It is now 25 minutes after 11 o'clock. By order of the House, the House is to meet daily at 11 o'clock a. m. It met this morning at 11 o'clock, and there seems to have been a motion to recess until 11 a. m. Suppose a motion was made to adjourn now, and a majority of the House should sustain that motion, when would be the next session of the House?

Mr. UNDERWOOD. The next session of the House would be to-morrow, unquestionably, at 11 o'clock a. m., or the time fixed for meeting. If we had taken a recess until to-day at 10 o'clock and had run on until 25 minutes past 11 and adjourned, would we have met again to-day? Certainly not. We would have met, under the rules of this House, on Monday, unless a session had been fixed for Sunday. Now, if the Speaker will examine the rule, it provides for a legislative day and contemplates a legislative day. Now, that legislative day, as has been held by all the precedents of this House, can not terminate until an adjournment unless the legislative day violates the Constitution of the United States in some way, and there is no constitutional question involved here.

The House having met to-day at 11 o'clock, pursuant to the taking of the recess, and it being now 11.26 o'clock, an adjournment now would have the same effect as if we had met at 10 o'clock and adjourned now. Or if we had met at 10 o'clock to-day and had run until 2 o'clock, and then adjourned, I have no doubt in the world that the Speaker would rule, as I have heard the Speaker rule before, that that adjournment would carry the House over until the next legislative day, which would be to-morrow, if there is a special order for Sunday eulogies, or Monday if there is not. In other words, the session having extended beyond the hour fixed for the daily meeting to-day, and an adjournment being then had, the Speaker would not call the House in session again on this calendar day.

The SPEAKER. It was the order of the House that the House should meet daily at 11 o'clock. That is a standing order, with the effect of a rule. If the recess had been until 12 o'clock, what would have become of this legislative day?

Mr. UNDERWOOD. Mr. Speaker, it seems to me that that question is not involved here, because we took a recess until 11 o'clock, the time at which the House would have met, and the Speaker this morning took the Chair by virtue of the recess, and not as though it were on a new legislative day. But

although that question is not involved in this case, if the Speaker wants to know my opinion, I say that according to good parliamentary practice and procedure, in order that this House may transact its business as the majority of the House desire to transact it, if the House desires to take a recess from one calendar day into another calendar day beyond the time fixed by the rule for the hour of daily meeting the new legislative day would never have a chance to start. Its operation in starting would be cut off by the action of the House, just the same as it would have been cut off if we had taken a recess until 10 o'clock to-day. There is no question about that.

If we had recessed until 10 o'clock to-day and had gone on with our business until 12 o'clock, surely the new legislative day of Saturday would have been set aside. Why? Because the House by its action had ordered it to be set aside. There can not be any question about that, or any reason to controvert it; and by the same reasoning, if the House by a majority vote expresses the desire not to have a legislative day begin on Saturday, it has a perfect right to do that, by taking a recess and keeping the House intact, because the House has not adjourned. A recess does not adjourn the House. The flag flies on the top of this Capitol during the continuance of the recess. From the beginning of the sessions of this House, under the Constitution, the mace has reposed on its pedestal during each session until adjournment, as it now reposes there, recognizing and symbolizing the fact that the House is in session. A recess does not destroy the session. It merely allows the Members to leave the Hall temporarily and come back again at a fixed hour. The House is in session as much while in recess as it is while it is actually transacting business. And during the recess just taken that emblem of the authority of the House has been reposing there, recognizing the fact that the House was in session. The flag has flown on top of this Capitol in recognition of the fact that the House has not adjourned. Therefore if the Speaker should say to-day that, notwithstanding a majority of the House does not desire to start a new legislative day, he will hold that he will start a new legislative day, merely because the recess has run up to a time when a legislative day would begin if there had been an adjournment, it seems to me it would be a usurpation of power by the Speaker to defeat the will of the majority of this House. [Applause.]

Mr. SHERLEY. Mr. Speaker, the proposition involved here, and the questions asked by the Chair, all seem to be predicated upon a misconception of the manner in which a general order fixing the hour for the meeting of the House can be gotten rid of. The questions of the Chair are all predicated on the notion that the only method of doing away with the general order fixing the time when the House shall meet is by adjournment to a different time; when, in point of fact, you can just as well do away with that general order by a recess. Now, nobody, not even the gentleman from Illinois [Mr. MANN], disputes the fact that if we had recessed last night until 10 o'clock this morning, and had then gone into session at 10 o'clock, continuing yesterday's legislative day, and if that session had gone on past 11 o'clock to-day, we would still have been holding yesterday's legislative session, and the fact that the hour had been reached that had been fixed by a general order for the meeting of the House would not serve to adjourn yesterday's day and create a new legislative day. If we had recessed until 10 o'clock this morning and had continued in session until this present moment, and then a motion had been made to adjourn, we would adjourn until Monday morning, unless a session had previously been ordered for Sunday, and this particular calendar day would have been lost as a legislative day. Now, in order to uphold the position of the gentleman from Illinois [Mr. MANN] you must in effect hold that a recess is an absolutely void act if it be to a time equal to or beyond the hour fixed for the regular meeting of the House on the next day, a proposition that has no support except the general statement of the gentleman that an adjournment beyond three days would be void because of the Constitution, and therefore a recess would be void, but we are not confronted with that situation. This recess order is a valid order, and the ruling of the Chair sustaining the point of order would be to deny to the House the power that it exercised last night. The fact that the House this morning can not do something else does not change the validity of the order of last night. The fact that the Republican majority ceased to be a majority last night does not make the action of the House invalid for that reason.

Mr. FITZGERALD. Mr. Speaker, the Chair should note carefully the first sentence of the first rule of the House:

The Speaker shall take the chair on every legislative day precisely at the hour to which the House shall have adjourned at the last sitting.

The rest of it is not material to this discussion.

The Speaker shall take the chair on every legislative day precisely at the hour to which the House shall have adjourned at the last sitting.

Yesterday the Speaker took the chair precisely at 10 o'clock, the hour fixed for the meeting of the House; and that sitting of the House, as disclosed by an examination of the Journal so far prepared, has not been adjourned. If it had adjourned without fixing, at the time of adjournment, some time at which it should convene, the Speaker would take the chair under the order previously adopted fixing the time for the daily sessions of the House. If the House adjourned, and before doing so had fixed a time different from that fixed in the special order, the Speaker would be compelled to obey the more recent order of the House, and to take the chair at the time fixed in that order.

Under the standing order under which the House is operating, the time at which the Speaker will take the chair on the next legislative day is 11 o'clock a. m. The legislative day which commenced at 10 o'clock yesterday morning has not been adjourned. It has not terminated. Business has been suspended temporarily during that sitting. I call the attention of the Chair to this statement in the Manual.

Jefferson states that—

when it is convenient that the business of the House be suspended for a short time, as for a conference presently to be held, etc., it adjourns during pleasure—

but the note explaining the practice of the House is that the House suspends its business temporarily by motion for a recess.

The Speaker will notice this important difference between the motion for a recess and the motion to adjourn; it requires a quorum of the House to take a recess and a quorum of the House is not required to adjourn.

Assuming that the House should adjourn at the present moment, the Speaker inquires when it would reconvene. It would reconvene under the rule, which I have read, because, unless the Speaker is suffering from disability or designates some other person, he must call the House to order under the rule, and shall take the chair on every legislative day precisely at the hour to which the House shall have adjourned. If the House were to adjourn now without fixing some other time for meeting, the Speaker would take the chair under the special order fixing a session of the House for eulogies at 12 o'clock noon February 19, 1911. The Speaker would have no authority, if the House should adjourn now, to take the chair before the expiration of this calendar day. Eleven o'clock has passed, and the legislative day, which sometimes runs into two or more calendar days, will not commence until 12 o'clock noon tomorrow.

Mr. Speaker, this is well recognized by some of the best writers on parliamentary law. In a very excellent little digest on parliamentary procedure known as "Wilson's Digest on Parliamentary Law," it is laid down as settled in the procedure of the House that the continuation of a session into the next day is but the legislative day of that preceding, and so remains until the House adjourns. It refers to the precedent in the Congressional Globe, Thirty-eighth Congress, first session, page 3522. The House by continuing the legislative day of Friday into to-day does not terminate the day, and there is nothing in any rule which will operate to terminate this legislative day at 11 o'clock. If the House last night decided to stand in recess until 12 o'clock, the Speaker could not have called the House to order at 11 o'clock under the rule directing him to take the chair on every legislative day precisely at the hour to which the House shall have adjourned at the last session, the only rule under which he has any power, even at 11 o'clock, if the business had been temporarily suspended and the House was standing in recess at 12 o'clock; and it is immaterial whether a recess has been taken to a period prior to the time fixed in the general order or subsequent to that time as to what the Speaker's duty is.

The House suspended its proceedings on the legislative day of Friday until 11 o'clock to-day. That legislative day can terminate only in two ways—one by adjournment and the other by the expiration of the term for which the Congress exists. Now, will some gentleman suggest another way?

Mr. MANN. We have already suggested one. Will the gentleman from New York yield for a question?

Mr. FITZGERALD. Certainly.

Mr. MANN. If the House can not terminate its legislative day without adjournment, how long can it take a recess for?

Mr. FITZGERALD. The Chair is not called upon to decide that question.

Mr. MANN. I am not asking the Chair now to decide the question, I am asking the gentleman from New York, to see if

he can fit it into his logic. I do not blame the gentleman for not answering either.

Mr. FITZGERALD. That is purely an academic question.

Mr. MANN. It is not purely academic, and the gentleman will find it so in the next Congress.

Mr. FITZGERALD. Even if the gentleman from Illinois should succeed in having the majority of the House adjourn for four days, I do not know that anything particular would happen to him; for there is no penalty prescribed in the Constitution. A great many persons familiar with the Constitution believe that under the practice adopted by that side of the House of holding a session only on two days in the week and calling Sunday a dies non, an adjournment over three days at a time has been taken in the past. I do not know that anybody has been seriously injured by it, and nobody has attempted to prevent that practice.

Mr. MANN. Will the gentleman yield for another question?

Mr. FITZGERALD. Yes.

Mr. MANN. Under the contention of the gentleman that the House continues in session until it adjourns, although it may take a recess, would not that obviate the trouble and permit the House to take a recess for a week?

Mr. FITZGERALD. Oh, I know the ingenuity of the gentleman from Illinois to divert the discussion. The only question before this House is, Can the Speaker hold that the session of yesterday is adjourned so as to take the chair at 11 o'clock to-day and call the House to order in a new legislative day?

Mr. MANN. If the gentleman will pardon me, he made his argument based upon the logic that the House could not meet on a new legislative day until it had adjourned on the prior legislative day.

Mr. FITZGERALD. Mr. Speaker, I insist on the propriety of that contention, whether it carry it beyond three days or not. It might suffice to say in answer to the gentleman from Illinois [Mr. MANN] that I know of no authority who has yet attempted to determine whether the three days mentioned in the Constitution are to be construed as calendar days or as legislative days. That is a question that still remains to be determined. But there is a great distinction—

Mr. MANN. I would like to have the gentleman's opinion on that subject.

Mr. FITZGERALD. I decline to express my opinion on that subject.

Mr. MANN. I do not wonder that the gentleman does not want to express his opinion.

Mr. FITZGERALD. Mr. Speaker, I must decline to permit these interruptions.

Mr. MANN. I do not blame the gentleman for that.

Mr. FITZGERALD. Mr. Speaker, I am not attempting to enlighten the gentleman from Illinois sitting here. I am attempting to enlighten the gentleman from Illinois who occupies the Speaker's chair, and I am perfectly willing to answer questions propounded from that direction.

Mr. DALZELL. Will the gentleman yield?

Mr. FITZGERALD. Yes.

Mr. DALZELL. What is the regular hour of the meeting of the House now?

Mr. FITZGERALD. The regular hour for meeting to-day was 11 o'clock.

Mr. DALZELL. What is the regular hour of meeting of the House in the absence of a special order fixing another time?

Mr. FITZGERALD. Eleven o'clock.

Mr. DALZELL. The hour of meeting of this House, if I am not mistaken, is 12 o'clock.

Mr. FITZGERALD. Yes; but upon the adoption of an order—

Mr. DALZELL. We have adopted no new order except temporarily from day to day.

Mr. FITZGERALD. Oh, I beg the gentleman's pardon. An order was adopted some days ago that we should meet hereafter at 11 o'clock.

Mr. DALZELL. I am on the gentleman's side and I thought I was going to help him out, but if I am wrong as to the changing of the hour, then of course my proposition will not hold.

Mr. FITZGERALD. Mr. Speaker, my understanding is 11 o'clock is the regular hour, but the rule is so clear there can be no question about the matter. A legislative day must terminate before a new legislative day can commence. It is clear if the House had recessed until 10 o'clock and the Speaker had then assumed the chair, he would not reconvene the House, but he would simply assume the chair and the business would proceed. He could not have called the House to order at 11 o'clock under the standing order. Let me call the attention of the Chair to the difference in the method of proceeding at the termination of a recess and in the convening of a new legis-

lative day. At the hour fixed to which the House shall stand in recess the Speaker assumes the chair and the business proceeds unless somebody raises the question that there be no quorum present, but if the House had adjourned, the rule prescribes what the Speaker shall do:

The Speaker shall take the chair on every legislative day precisely at the hour to which the House shall have adjourned at the last sitting, immediately call the Members to order, and on the appearance of a quorum cause the Journal of the proceedings of the last day's sitting to be read, having previously examined and approved the same.

That is not what the Chair had to do at 11 o'clock to-day. He had to resume the chair because of the order of the House that it stand in recess until that hour. There is only one way the Chair can avoid that conclusion, and that is that by some way or other a motion to take a recess operates at times as a motion to adjourn. What is there in the suggestion that a motion to take a recess shall operate as a motion to adjourn? The Manual shows that a recess is not a termination of the business at a sitting, but is merely a temporary suspension of the business.

The SPEAKER. Is there anything, and has there been anything whatever in the rules of the House from one Congress to another, and the rules of the present House, that authorizes a motion to recess?

Mr. FITZGERALD. What rule of the House prescribes the method for considering conference reports? The fixed customs of the House. A motion to take a recess is so well recognized in the procedure of the House that even the distinguished gentleman at the Speaker's right has a number of references in his Manual and in his Precedents to it. Until the revision of 1890 it had a different status from its present status. At that time it was enumerated among the motions which were in order when a question was under debate, it had a privileged standing, and the only difference, so far as the motion is concerned to-day, is that the motion can not be offered in the face of a demand for the regular order; but the practice of this House to stand in recess is already well established and need not be discussed. This motion is as firmly established in the procedure of the House as if specifically enumerated in the rules, and the Chair has repeatedly recognized that fact and recognized the motion last night. We conduct our business under the operation of it, and it has been firmly established that while the House may adjourn under the Constitution with less than a majority it can not stand in recess unless a majority be present.

Mr. HENRY of Texas. Mr. Speaker, it is not my purpose to take much of the time of the House in the discussion of the points at issue, but it is my desire to make a few remarks in regard to the point of order. This House to-day, when the Speaker took the chair, found itself just as if no recess had been taken last night. For the convenience of the House, having been in session since 10 o'clock in the morning yesterday, a majority of the Members concluded to recess until 11 o'clock to-day. The Chair has often remarked that a majority of this House could take whatever action they deemed proper touching any matter. We were fatigued yesterday by the long day's session and last night a majority of the House concluded to recess until 11 o'clock to-day. This morning at 9 o'clock approaching the Capitol I noticed the flag flying over this structure as a notification that the House was still in session. When the blind Chaplain arrived this morning to offer prayer, the Speaker directed him not to appear at his place and offer the usual invocation because the House was in recess, and still in session. Mr. Speaker, the Journal was not read because the House was still in session. We had the power to recess for two minutes, for three minutes, for an hour, and we had power to recess until 5 o'clock this afternoon, and if such recess encroached upon the legislative day pro tanto the action of a majority of the House in recessing vacated six hours of this legislative day. This House has the absolute power by a vote of the majority to take a recess for one hour, for one day, or for three days, and it could recess for longer than three days if it were not for that provision in the Constitution which forbids either branch of Congress recessing or adjourning for more than three days at a time without the consent of the other body. Mr. Speaker, a majority has acted, and when the Speaker appeared here to-day he took the chair as if the House was still in session, regardless of having recessed at all. And if we had not recessed from yesterday till 11 o'clock to-day this day's session would have been absorbed by the unbroken session of yesterday running into to-day. The majority has the right to suit their convenience and let matters go over for any length of time they see proper until they come in conflict with the provision of the Constitution which inhibits such action.

Mr. Speaker, it seems perfectly clear to me that having taken that action to recess until 11 o'clock we come back here and

find ourselves in the same position we were when we left the House of Representatives last night. We have the right to eliminate the one day or the two days or the three days, just as we see proper at any time through recessing by a vote of the majority. At this instant this House is in session as of yesterday; the Speaker ought to so hold and proceed with the business under consideration on yesterday's legislative day. [Applause.]

Undeniably if we had not recessed at all this legislative day fixed to meet at 11 o'clock by special order of the House would be eliminated and obliterated by our fixed status of yesterday merging into this day and rising superior to it.

The SPEAKER. The gentleman from Massachusetts [Mr. WEEKS] is recognized.

Mr. WEEKS. Mr. Speaker, it is not my purpose to take the time of the House to discuss this question any further than to call to the attention of the Chair precedents which I think bear directly on this matter. I refer particularly to volume 5 of *Hinds' Precedents*, section 6736 to section 6739, inclusive. Section 6739 is so short and applicable to this case that I want to take the time to read it. It says:

On the legislative day of Monday, March 23, 1868 (but the calendar day of Tuesday, March 24), during proceedings relating to the impeachment of Andrew Johnson, President of the United States, the hour of 12 m., the time fixed for the daily meeting of the House, arrived. Thereupon Mr. Fernando Wood, of New York, as a question of order, insisted that the House should begin the session of Tuesday.

The Speaker overruled the point of order, saying: "The House of Representatives continues its session of Monday till the final adjournment, even if the session runs for several calendar days. In the great parliamentary struggle on the Missouri compromise the session continued two days and two nights, and the House of Representatives received on Monday a message sent from the Senate on Tuesday."

It seems to me, Mr. Speaker, that this is exactly parallel to the case at hand, and the only way to terminate the session of yesterday is to make a motion to adjourn and for the House to concur in that motion.

The SPEAKER. The gentleman from Nebraska [Mr. NORRIS] is recognized.

Mr. NORRIS. Mr. Speaker, the House several days ago agreed, either by motion or unanimous consent, but the effect would be the same, that it should convene daily at 11 o'clock a. m.

Now, yesterday a motion was made and carried that we should recess until 11 o'clock. We are brought, therefore, face to face with the proposition that there is a direct conflict between these two orders of the House, taken on different days, and it seems to me that the question is as to which one of these orders must take precedence, which one will prevail.

Mr. GARRETT. Will the gentleman yield for a question?

Mr. NORRIS. I will yield.

Mr. GARRETT. Did not the House by its action of last night in taking a recess set aside the previous order?

Mr. NORRIS. I am coming to that question. I asked the question, and expect to answer it, if the gentleman will permit me to proceed.

I think under all judicial procedure where there is a conflict of two statutes and there is no way to compromise between them or to so construe them as to give effect to both, and where they both come from the same authority, from the body having the right to make them, then the one that is made last must prevail over the one that is made first. [Applause.] It seems to me that it follows, therefore, Mr. Speaker, that the motion to take a recess, coming in direct conflict with the preceding motion that a new day shall begin at 11 o'clock, must take precedence over that order, and that the motion to take a recess prevails over the standing order of the House. Now, I say that, Mr. Speaker, as one who has no sympathy with the motion to go into Committee of the Whole to consider the question of claims. I intend to vote against it, and did yesterday, but I think this ought to be decided without reference to whether we are in favor of one bill or the other, in the interest of orderly procedure. It does look to me that there can be no doubt but the last order made by the House must for the time being supersede the first one.

Mr. MANN. Will the gentleman yield to a question?

Mr. NORRIS. I will yield to the gentleman from Illinois.

Mr. MANN. The rule is, under the order of the House, to meet at 11 o'clock. Now the gentleman says that the motion to take the recess supersedes that order, as I understand the gentleman.

Mr. NORRIS. Yes, sir.

Mr. MANN. Suppose the motion to take a recess was to take a recess until 5 o'clock to-day. It would have the same effect, would it not?

Mr. NORRIS. Well, assuming that such a motion would be in order, I presume, logically, it would, although the question is not involved here.

Mr. MANN. Oh, yes; it is involved.

Mr. NORRIS. Well, I am perfectly willing to involve it here. If there is a conflict between two orders by the same body having authority to make both orders, and nobody disputes that, then the order made last, if it conflicts with the first one, must prevail.

Mr. MANN. There is a difference, if the gentleman will pardon me. One is a rule of the House.

Mr. NORRIS. Well, you may call it a rule of the House, but it was done, I think, on the gentleman's request, by an unanimous-consent agreement, that we should meet at 11 o'clock a. m. Now, that had no more legal effect than though it had been fixed by motion.

Mr. MANN. When the House met at the beginning of the Congress it adopted the rule, or order, fixing the hour of meeting.

Mr. NORRIS. That was done, I think, by unanimous consent.

Mr. MANN. No.

Mr. NORRIS. Suppose it was done by a motion; the gentleman's request, which was acceded to by the House, modified that rule. It illustrates, I think, the point I am trying to make. It was made by the same body that made the first order to meet at 12 o'clock m., and afterwards the meeting at 12 o'clock was superseded by the order to meet at 11 o'clock. It only shows that where two orders conflict and are irreconcilable and both are made by the body having authority to make them, then the order made last must prevail.

Mr. MANN. But it would not be in order to make that motion, except by unanimous consent, to change the hour of meeting. As I understand, the gentleman's position is that an order of the House—

Mr. NORRIS. Right there, where the gentleman makes that proposition, he must admit this, that the order made at his request was legally made.

Mr. MANN. Certainly.

Mr. NORRIS. Then it does not matter whether it was made by unanimous consent or on motion.

Mr. HENRY of Texas. Will the gentleman from Nebraska [Mr. NORRIS] let me interrupt him right there?

Mr. NORRIS. Yes.

Mr. HENRY of Texas. Suppose we make this test—that the House did not take any recess at all, but continued in session all night, and was in session until 10 o'clock to-day. Now, what action would have been taken by the Speaker and the House if we had still been in session at 11 o'clock?

Mr. NORRIS. We would still be in session. Nobody claims that a new day would have begun then.

Mr. HENRY of Texas. The gentleman and I agree.

Mr. SIMS. Let us not take up all our time on general agreements. We are all agreed on this. Let the Chair rule. [Cries of "Rule!" "Rule!"]

The SPEAKER. By constitutional provision the House can not adjourn without the consent of the Senate for a longer period than three days. The House has determined by an order, which is equivalent to a rule, that the daily meeting shall be at 11 o'clock, at which time the Journal shall be read, and so forth, and then comes the daily order of business.

Now, it is quite competent for the House, by unanimous consent, to fix a different time for meeting. For instance, the House has made an order, which has the dignity of a rule, that it shall meet to-morrow, Sunday, at 12 o'clock. There is not anywhere in the rules, so far as the Chair can find, anything said about a recess prior to 1880. An amendment to the rules adopted at that time made a motion to take a recess a privileged motion. In 1890 the provision providing for a recess was dropped out, and it has been continually left out from that time down to the present. Yet, in practice, from time to time the House has taken recesses.

Now, if the House had adjourned yesterday prior to 11 o'clock the adjournment would, by virtue of an order, which is in effect, if not in form, a rule of the House, have been to meet again at 11 o'clock to-day. But it seems that the House on the calendar day of yesterday made an order to take a recess until 11 o'clock to-day, which brought the expiration of the recess to the exact hour that the standing order provided for the daily meeting. On the daily meeting, the beginning of the legislative day, the Journal would be read, and so forth.

Now, it is perfectly clear to the Chair that if a point of order had been made against the motion to take a recess until 11 a. m. to-day the point of order would have been sustained, since that motion had the effect of abrogating a standing order of the House, namely, that the House shall meet daily in regular session at 11 o'clock.

Now, it seems that, notwithstanding the rules of the House, the House did in fact agree to a motion to stand in recess until

11 o'clock this morning. You may say that the House could not do it. Well, everybody understands that. It is like the case of the man who was in jail, and whose lawyer came to see him and said, "Great God! They can not put you in jail for that!" "But," said the man in jail, "they have." [Laughter and applause.] Now, in point of fact, the House, acting by a majority, did agree to a motion to recess until 11 o'clock. Having recessed until 11 o'clock, the precedents that have been cited do not fit this case at all, because in all the precedents the recess was not taken beyond the hour set for the beginning of the coming legislative day, as fixed by standing order of the House. This case is different; but the House having, in fact, recessed, having manifested its will to go into recess until 11 o'clock today, it seems to the Chair that the various rules of the House have been set aside by that action of the House, and that the House is still in session as of the legislative day of yesterday. [Prolonged applause.]

Mr. SIMS. Mr. Speaker, I renew the motion made prior to the point of order.

Mr. CLARK of Florida. Mr. Speaker—

The SPEAKER. For what purpose does the gentleman from Florida rise?

Mr. CLARK of Florida. I rise to a point of order.

Mr. GARRETT. I rise to a point of order.

The SPEAKER. The Chair will first state the motion.

Mr. PRINCE. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House for the consideration of bills on the Private Calendar.

Mr. SIMS. I make the point of order that the motion should be to resume consideration—

Mr. PRINCE. Very well, to resume consideration of the bill (S. 7971) which was under consideration at the time of the taking of the recess; but I should prefer to make the motion to go into Committee of the Whole House for the consideration of bills on the Private Calendar.

Mr. HEFLIN. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. HEFLIN. Has not the Speaker held that the House took a recess last night until 11 o'clock to-day for the purpose of considering the matter then under consideration?

The SPEAKER. Oh, no. The Chair only said that by the action of the House yesterday a recess was taken, the Chair holding that this was a continuation of the legislative day of Friday; that is all. This whole question came up on the motion of the gentleman from Tennessee [Mr. SIMS].

Mr. CLARK of Florida. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. CLARK of Florida. Under the rule, does not the House automatically resolve itself into Committee of the Whole to continue consideration of the bill?

The SPEAKER. The Chair knows of no such rule.

Mr. CLARK of Florida. Let me call the attention of the Chair to the rule.

The SPEAKER. Yes.

Mr. CLARK of Florida. I call attention to the note to Rule II on page 425 of the Manual.

On the failure of a quorum the roll is called but once. Ordinarily when the roll has been called and the committee has risen, it resumes its session by direction of the Speaker on the appearance of a quorum.

Mr. MANN. Mr. Speaker, I rise to a point of order.

The SPEAKER. The gentleman will state it.

Mr. MANN. There is nothing before the House.

The SPEAKER. The gentleman from Florida, as the Chair understands, makes a parliamentary inquiry.

Mr. MANN. I demand the regular order.

Mr. CLARK of Florida. I am making a parliamentary inquiry and submitting some authorities to the Speaker.

The SPEAKER. The Chair will hear the gentleman very briefly.

Mr. CLARK of Florida. I simply want to read a few lines.

Ordinarily when the roll has been called and the committee has risen, it resumes its session by direction of the Speaker on the appearance of a quorum.

Now, I submit, Mr. Speaker, that the point of no quorum was made, and now upon the appearance of a quorum the House automatically should go back into Committee of the Whole for further consideration of the bill.

The SPEAKER. Replying to the parliamentary inquiry, the Chair thinks that the rule cited does not apply to the present condition of the House.

Mr. FOSS. Mr. Speaker—

The SPEAKER. For what purpose does the gentleman from Illinois rise?

Mr. FOSS. I rise to make a privileged motion, that the House resolve itself into the Committee of the Whole House on

the state of the Union for the further consideration of the naval appropriation bill.

Mr. SHERLEY. I make the point of order that the motion is not privileged; that during this day the House determined not to consider that bill, and did determine to consider matters on the Private Calendar. The gentleman from Illinois [Mr. PRINCE] has made a motion for further consideration of bills on the Private Calendar, and it is not, therefore, in order for the gentleman from Illinois [Mr. FOSS] to make his motion.

The SPEAKER. If the gentleman will examine the uniform practice of the House and the precedents he will find that on Friday, private-bill day, as well as on District day on Monday, a motion to go into Committee of the Whole House on the state of the Union to consider a general appropriation bill or a revenue bill takes precedence of a motion to go into Committee of the Whole House.

Mr. SHERLEY. But I call the attention of the Chair to the fact that during this legislative day of Friday such a motion was made and the House voted down that motion, thereby exercising its privilege of not considering an appropriation bill and going to the Private Calendar.

The SPEAKER. The Chair is under the impression that no motion was made that the House resolve itself into the Committee of the Whole House on the state of the Union on a general appropriation bill. The Chair thinks this is the first time that the motion has been made on behalf of the naval appropriation bill.

Mr. CARLIN. The gentleman from Illinois [Mr. FOSS] made the same motion yesterday at about 12 o'clock, and we voted him down.

Mr. MANN. The gentleman from Virginia is mistaken.

The SPEAKER. The recollection of the Chair is that this motion is made touching the naval appropriation bill for the first time during this legislative day.

Mr. CARLIN. Mr. Speaker, I will ask the Chair to refresh his recollection by asking the gentleman from Illinois [Mr. FOSS], who, I think, will admit that he made the motion.

Mr. MANN. The gentleman from Illinois [Mr. FOSS] rose to make the motion.

Mr. FOSS. Mr. Speaker, I rose to a parliamentary inquiry and asked whether it would be in order to go into the Committee of the Whole House on the state of the Union to consider the naval appropriation bill.

The SPEAKER. Did the gentleman from Illinois submit the motion yesterday to go into Committee of the Whole House on the state of the Union on the naval appropriation bill?

Mr. FOSS. I did not submit a motion.

The SPEAKER. The question is on the motion of the gentleman from Illinois [Mr. FOSS], which is clearly in order, that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of a general appropriation bill, to wit, the bill H. R. 32212, the naval appropriation bill.

The question was taken; and the Chair being in doubt, the House divided, and there were 109 ayes and 133 noes.

Mr. FOSS. Mr. Speaker, I call for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 98, nays 181, answered "present" 8, not voting 97, as follows:

YEAS—98.

| | | | |
|-----------------|-----------------|-----------------|----------------|
| Andrus | Fish | Knowland | Pickett |
| Anthony | Fitzgerald | Kopp | Pratt |
| Barclay | Fordney | Langham | Reader |
| Barnard | Foss | Lawrence | Roberts |
| Bingham | Foster, Vt. | Lenroot | Rosenberg |
| Boutell | Gaines | Lindbergh | Scott |
| Burke, S. Dak. | Garner, Pa. | Loud | Sheffield |
| Butler | Gillett | Loudenslager | Simmons |
| Caldier | Goebel | Lowden | Smith, Iowa |
| Campbell | Graft | Lundin | Snapp |
| Cassidy | Heald | McCredie | Stafford |
| Cooper, Pa. | Henry, Conn. | Madden | Steenerson |
| Currier | Higgins | Madison | Sterling |
| Dalzell | Hinsaw | Malby | Stevens, Minn. |
| Davidson | Howell, Utah | Mann | Swasey |
| Dawson | Hubbard | Martin, S. Dak. | Tawney |
| Diekema | Hubbard, Iowa | Miller, Kans. | Taylor, Ohio |
| Draper | Hull, Iowa | Moxley | Tilson |
| Driscoll, M. E. | Humphrey, Wash. | Needham | Volstead |
| Durey | Keifer | Nelson | Wreeland |
| Dwight | Kendall | Norris | Wiley |
| Ellis | Kennedy, Iowa | Nye | Woods, Iowa |
| Esch | Kennedy, Ohio | Olcott | Young, Mich. |
| Fairchild | Kinkaid, Nebr. | Palmer, H. W. | |
| Fassett | Knapp | Parker | |

NAYS—181.

| | | | |
|------------------|----------------|---------------|------------|
| Adair | Ansberry | Beall, Tex. | Burgess |
| Adamson | Ashbrook | Bell, Ga. | Burleson |
| Aiken | Austin | Bennet, N. Y. | Burnett |
| Alexander, Mo. | Barnhart | Boehne | Byrd |
| Alexander, N. Y. | Bartlett | Boehner | Byrns |
| Ames | Bartlett, Ga. | Brantley | Calderhead |
| Anderson | Bartlett, Nev. | Broussard | Candler |

| | | | |
|-----------------|------------------|-------------------|----------------|
| Cantrill | Garrett | Legare | Rucker, Colo. |
| Carlin | Glass | Lever | Rucker, Mo. |
| Carter | Godwin | Lloyd | Saunders |
| Cary | Good | McHenry | Shackelford |
| Chapman | Gordon | McKinlay, Cal. | Sharp |
| Clark, Fla. | Graham, Ill. | McKinney | Sheppard |
| Clark, Mo. | Grant | McLachlan, Cal. | Sherley |
| Clayton | Greene | McLaughlin, Mich. | Sherwood |
| Cline | Guernsey | Macon | Sims |
| Collier | Hamlin | Maguire, Nebr. | Sisson |
| Cooper, Wis. | Hammond | Martin, Colo. | Siemp |
| Cowles | Hanna | Massey | Small |
| Cox, Ind. | Hardwick | Maynard | Smith, Tex. |
| Cox, Ohio | Hardy | Mays | Sparkman |
| Craig | Haugen | Miller, Minn. | Splight |
| Creager | Havens | Mitchell | Stanley |
| Crow | Hawley | Moon, Tenn. | Stephens, Tex. |
| Cullop | Hay | Morgan, Mo. | Sulloway |
| Davis | Heflin | Morgan, Okla. | Talbott |
| Dent | Helm | Morrison | Taylor, Ala. |
| Denver | Henry, Tex. | Morse | Thistlewood |
| Dickinson | Hitchcock | Moss | Thomas, Ky. |
| Dickson, Miss. | Hobson | Nicholls | Thomas, N. C. |
| Dies | Hollingsworth | O'Connell | Tou Velle |
| Dixon, Ind. | Houston | Oldfield | Townsend |
| Dodds | Hughes, Ga. | Padgett | Turnbull |
| Douglas | Hughes, N. J. | Page | Underwood |
| Driscoll, D. A. | Hull, Tenn. | Parsons | Wallace |
| Edwards, Ga. | Humphreys, Miss. | Pearre | Wanger |
| Edwards, Ky. | Jameson | Peters | Watkins |
| Ellerbe | Johnson, S. C. | Plumley | Webb |
| Elvins | Kelther | Pou | Weeks |
| Estopinal | Kitchin | Prince | Weisse |
| Ferris | Korbly | Pujo | Wheeler |
| Finley | Kuftermann | Rainey | Wickliffe |
| Flood, Va. | Lamb | Randell, Tex. | Woodyard |
| Floyd, Ark. | Langley | Rauch | |
| Foster, Ill. | Law | Richardson | |
| Garner, Tex. | Lee | Robinson | |

ANSWERED "PRESENT"—8.

| | | | |
|----------|-----------------|---------|--------------|
| Goulden | Howell, N. J. | McCall | Rothermel |
| Harrison | Hubbard, W. Va. | Olmsted | Young, N. Y. |

NOT VOTING—97.

| | | | |
|--------------|----------------|----------------|---------------|
| Allen | Gallagher | Kinkaid, N. J. | Polindexter |
| Barchfeld | Gardner, Mass. | Kronmiller | Pray |
| Bates | Gardner, Mich. | Lafean | Ransdell, La. |
| Bennett, Ky. | Gardner, N. J. | Latta | Reid |
| Borland | Gill, Md. | Lindsay | Rhinock |
| Bowers | Gill, Mo. | Lively | Riordan |
| Bradley | Gillespie | Livingston | Roddenbery |
| Burke, Pa. | Goldfogle | Longworth | Sabath |
| Burleigh | Graham, Pa. | McCreary | Slayden |
| Capron | Gregg | McDermott | Smith, Cal. |
| Cocks, N. Y. | Griest | McGuire, Okla. | Smith, Mich. |
| Cole | Hamer | McKinley, Ill. | Southwick |
| Conry | Hamill | McMorran | Sperry |
| Coudrey | Hamilton | Millington | Sturgiss |
| Covington | Hayes | Mondell | Sulzer |
| Cravens | Hill | Moon, Pa. | Taylor, Colo. |
| Crumpacker | Howard | Moore, Pa. | Thomas, Ohio |
| Denby | Huff | Moore, Tex. | Washburn |
| Dupre | Hughes, W. Va. | Morehead | Willett |
| Englebright | James | Mudd | Wilson, Ill. |
| Focht | Johnson, Ky. | Murdock | Wilson, Pa. |
| Foelker | Johnson, Ohio | Murphy | Wood, N. J. |
| Fornes | Jones | Palmer, A. M. | |
| Fowler | Joyce | Patterson | |
| Fuller | Kahn | Payne | |

So the motion was rejected.

The Clerk announced the following pairs:

Until Saturday, February 18:

Mr. KAHN with Mr. ROTHERMEL.

Mr. OLMSTED with Mr. JONES.

Until Monday morning, February 20:

Mr. LONGWORTH with Mr. HARRISON.

Until Tuesday, February 21, inclusive:

Mr. HOWELL of New Jersey with Mr. JOHNSON of Kentucky.

Until further notice:

Mr. PRAY with Mr. SULZER.

Mr. MOREHEAD with Mr. TAYLOR of Colorado.

Mr. JOHNSON of Ohio with Mr. KINKAID of New Jersey.

Mr. MCGUIRE of Oklahoma with Mr. LIVELY.

Mr. MCKINLEY of Illinois with Mr. LIVINGSTON.

Mr. HILL with Mr. GOLDFOGLE.

Mr. LAFEAN with Mr. LATTI.

Mr. HAYES with Mr. HAMILL.

Mr. FULLER with Mr. GILL of Maryland.

Mr. CRUMPACKER with Mr. CRAVENS.

Mr. COLE with Mr. SLAYDEN.

Mr. BURLEIGH with Mr. CONRY.

Mr. SOUTHWICK with Mr. BOWERS.

Mr. BURKE of Pennsylvania with Mr. RODDENBERY.

Mr. COCKS of New York with Mr. BORLAND.

Mr. MCMORRAN with Mr. RIORDAN.

Mr. GARDNER of Massachusetts with Mr. GALLAGHER.

The result of the vote was announced as above recorded.

BILLS ON THE PRIVATE CALENDAR.

Mr. PRINCE. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole for the purpose of considering bills on the Private Calendar.

The SPEAKER. The gentleman from Illinois moves that the House resolve itself into the Committee of the Whole for the purpose of considering business in order to-day.

The question was taken, and the Chair announced the ayes seemed to have it.

Mr. MANN. Mr. Speaker, I ask for a division.

The House divided, and there were—ayes 137, noes 45.

Mr. MANN. I ask for the yeas and nays.

The SPEAKER. The gentleman from Illinois demands the yeas and nays. [After counting.] Thirty-seven gentlemen have arisen, a sufficient number, and the yeas and nays are ordered.

The question was taken; and there were—yeas 187, nays 57, answered "present" 13, not voting 128, as follows:

YEAS—187.

| | | | |
|------------------|-----------------|------------------|----------------|
| Adair | Creager | Hobson | Padgett |
| Adamson | Cullop | Hollingsworth | Page |
| Aiken | Currier | Houston | Pearre |
| Alexander, Mo. | Dalzell | Hughes, Ga. | Peters |
| Alexander, N. Y. | Davis | Hughes, N. J. | Pointdexter |
| Ames | Dent | Hull, Tenn. | Pou |
| Anderson | Denver | Humphreys, Miss. | Prince |
| Ansberry | Dickinson | Jameson | Pujo |
| Ashbrook | Dickson, Miss. | Johnson, S. C. | Rainey |
| Austin | Diekema | Kinkaid, Nebr. | Randell, Tex. |
| Barclay | Dies | Kitchin | Rauch |
| Barnhart | Dixon, Ind. | Knowland | Richardson |
| Bartholdt | Dodds | Kopp | Robinson |
| Bartlett, Ga. | Draper | Korbly | Rucker, Colo. |
| Bartlett, Nev. | Driscoll, D. A. | Kuftermann | Rucker, Mo. |
| Beall, Tex. | Driscoll, M. E. | Lamb | Saunders |
| Bennet, N. Y. | Durey | Langham | Shackelford |
| Boehne | Edwards, Ga. | Langley | Sharp |
| Booher | Edwards, Ky. | Latta | Sheffield |
| Brantley | Ellerbe | Law | Sheppard |
| Broussard | Estopinal | Lee | Sherley |
| Burgess | Ferris | Legare | Sherwood |
| Burleson | Finley | Lever | Sims |
| Burnett | Flood, Va. | Lindbergh | Sisson |
| Butler | Floyd, Ark. | Lively | Small |
| Byrd | Foster, Ill. | Livingston | Smith, Tex. |
| Byrns | Garner, Tex. | Lloyd | Stanley |
| Calder | Garrett | McHenry | Stephens, Tex. |
| Calderhead | Glass | McKinlay, Cal. | Sterling |
| Candler | Godwin | McLachlan, Cal. | Sulloway |
| Cantrill | Good | Macon | Talbott |
| Carlin | Gordon | Maguire, Nebr. | Taylor, Ala. |
| Carter | Graham, Ill. | Martin, Colo. | Taylor, Colo. |
| Cary | Grant | Massey | Thistlewood |
| Chapman | Greene | Mays | Thomas, Ky. |
| Clark, Fla. | Guernsey | Mitchell | Thomas, N. C. |
| Clark, Mo. | Hamlin | Moon, Tenn. | Tou Velle |
| Clayton | Hammond | Morgan, Mo. | Townsend |
| Cline | Hardwick | Morgan, Okla. | Turnbull |
| Cole | Hardy | Morrison | Underwood |
| Collier | Havens | Morse | Wanger |
| Cooper, Wis. | Hay | Moss | Watkins |
| Cowles | Heflin | Needham | Webb |
| Cox, Ind. | Helm | Nicholls | Weisse |
| Cox, Ohio | Henry, Tex. | O'Connell | Wickliffe |
| Craig | Higgins | Olcott | Woodyard |
| | Hitchcock | Oldfield | |

NAYS—57.

| | | | |
|----------------|----------------|-----------------|----------------|
| Andrus | Fish | Kennedy, Ohio | Palmer, H. W. |
| Anthony | Fitzgerald | Lawrence | Roberts |
| Barnard | Foss | Lenroot | Rodenberg |
| Bingham | Gaines | Loudenslager | Stafford |
| Boutell | Gardner, N. J. | Lowden | Steenerson |
| Burke, S. Dak. | Garner, Pa. | McCredie | Stevens, Minn. |
| Campbell | Gillet | McGuire, Okla. | Tawney |
| Cassidy | Goebel | Madden | Tilson |
| Cooper, Pa. | Heald | Malby | Volstead |
| Dawson | Henry, Conn. | Mann | Wiley |
| Dwight | Hinshaw | Martin, S. Dak. | Wilson, Ill. |
| Ellis | Hubbard, Iowa | Miller, Kans. | Woods, Iowa |
| Esch | Hull, Iowa | Moxley | |
| Fairchild | Kelley | Norris | |
| Fassett | Kendall | Nye | |

ANSWERED "PRESENT"—13.

| | | | |
|---------------|-----------------|--------------|--------------|
| Goulden | Hubbard, W. Va. | Olmsted | Young, N. Y. |
| Harrison | Knapp | Rothermel | |
| Howell, N. J. | McCall | Simmons | |
| Howland | McKinley, Ill. | Young, Mich. | |

NOT VOTING—128.

| | | | |
|--------------|----------------|-----------------|-------------------|
| Allen | Focht | Hawley | McCreary |
| Barchfeld | Foelker | Hayes | McDermott |
| Bates | Fordney | Hill | McKinney |
| Bennett, Ky. | Fornes | Howard | McLaughlin, Mich. |
| Borland | Foster, Vt. | Howell, Utah | McMorran |
| Bowers | Fowler | Huff | Madison |
| Bradley | Fuller | Hughes, W. Va. | Maynard |
| Burke, Pa. | Gallagher | Humphrey, Wash. | Miller, Minn. |
| Burleigh | Gardner, Mass. | James | Millington |
| Capron | Gardner, Mich. | Johnson, Ky. | Mondell |
| Cocks, N. Y. | Gill, Md. | Johnson, Ohio | Moon, Pa. |
| Conry | Gill, Mo. | Jones | Moore, Pa. |
| Coudrey | Gillespie | Joyce | Moore, Tex. |
| Covington | Goldfogle | Kahn | Morehead |
| Cravens | Graff | Kelther | Mudd |
| Crow | Graham, Pa. | Kennedy, Iowa | Murdock |
| Crumpacker | Gregg | Kinkaid, N. J. | Murphy |
| Davidson | Griest | Kronmiller | Nelson |
| Denby | Hamer | Lafean | Palmer, A. M. |
| Douglas | Hamill | Lindsay | Parker |
| Dupre | Hamilton | Longworth | Parsons |
| Elvins | Hanna | Loud | Patterson |
| Englebright | Haugen | Lundin | Payne |

| | | | |
|---------------|--------------|--------------|-------------|
| Pickett | Roddenbery | Southwick | Vreeland |
| Plumley | Sabath | Sparkman | Wallace |
| Pratt | Scott | Sperry | Washburn |
| Fray | Slayden | Sturges | Weeks |
| Ransdell, La. | Slomp | Sturges | Wheeler |
| Reeder | Smith, Cal. | Sulzer | Willett |
| Reld | Smith, Iowa | Swasey | Wilson, Pa. |
| Rhinock | Smith, Mich. | Taylor, Ohio | Wood, N. J. |
| Riordan | Snapp | Thomas, Ohio | |

So the motion was agreed to.

The Clerk announced the following additional pairs:

Until 3 o'clock to-day:

Mr. LOUD with Mr. MAYNARD.

For all votes on claims:

Mr. YOUNG of Michigan with Mr. SPARKMAN.

For this legislative day:

Mr. DOUGLAS (for) with Mr. HOWLAND (against).

Until further notice:

Mr. KENNEDY of Iowa with Mr. BOWERS.

Mr. KNAPP with Mr. WALLACE.

Mr. DAVIDSON with Mr. SPIGHT.

Mr. MOON of Pennsylvania with Mr. SLAYDEN.

Mr. FORDNEY with Mr. KELIHER.

The result of the vote was announced as above recorded.

Accordingly the House resolved itself into the Committee of the Whole, with Mr. CURRIER in the chair.

The CHAIRMAN. The House is in the Committee of the Whole for the further consideration of Senate bill 7971, and the Clerk will resume the reading of the bill—

Mr. MANN. Mr. Chairman, the House is not in the Committee of the Whole for the consideration of this bill.

The CHAIRMAN. For the purpose of considering bills on the Private Calendar. The Clerk will resume the reading of the bill.

(The Clerk commenced the reading of the bill at line 18, page 101.)

Mr. SIMS. Mr. Chairman, I ask unanimous consent that the further first reading of the bill be dispensed with.

The CHAIRMAN. The gentleman from Tennessee [Mr. SIMS] asks unanimous consent that the further first reading of the bill be dispensed with. Is there objection?

Mr. MANN. I object.

(The Clerk resumed the reading of the bill on line 15, page 102.)

Mr. MANN. Mr. Chairman, my attention was distracted for a moment, and I would like to inquire just where the Clerk is reading.

The CHAIRMAN (Mr. BENNET of New York). The Clerk is reading on page 115, line 17.

Mr. MANN. That is a very important part of the bill, and I have to make the point of order that there is no quorum present.

The CHAIRMAN. The Chair will count.

Mr. CLAYTON. Will the gentleman from Illinois [Mr. MANN] tell me, without looking at the bill, what it relates to?

Mr. MANN. Yes; the French spoliation claims. I have just stated that my attention had been distracted for a moment by gentlemen in conversation.

The CHAIRMAN (after counting). There are 61 gentlemen present—not a quorum. The Clerk will call the roll.

The roll was called, and the following Members failed to answer to their names:

| | | | |
|--------------|----------------|----------------|-----------------|
| Adair | Denby | Hammond | McCredie |
| Allen | Denver | Hanna | McDermott |
| Ames | Dickson, Miss. | Haugen | McHenry |
| Anderson | Diekema | Havens | McKinlay, Cal. |
| Ansberry | Douglas | Hawley | McLachlan, Cal. |
| Anthony | Draper | Hayes | McMorran |
| Ashbrook | Dupre | Higgins | Malby |
| Barchfeld | Elvins | Hinschaw | Miller, Kans. |
| Bates | Englebright | Hitchcock | Millington |
| Bennett, Ky. | Fairchild | Howard | Mondell |
| Bingham | Fish | Howell, N. J. | Moore, Pa. |
| Borland | Foelker | Howell, Utah | Moore, Pa. |
| Bowers | Fordney | Hubbard, Iowa | Moore, Tex. |
| Bradley | Fornes | Huff, Pa. | Morse |
| Burgess | Poster, Vt. | Hughes, W. Va. | Mudd |
| Burke, Pa. | Fowler | Hull, Iowa | Murdoch |
| Burleigh | Fuller | James | Murphy |
| Calder | Gallagher | Johnson, Ky. | Nye |
| Calderhead | Gardner, Mich. | Jones | Palmer, A. M. |
| Campbell | Gardner, N. J. | Joyce | Palmer, H. W. |
| Capron | Garner, Pa. | Kahn | Patterson |
| Cassidy | Gill, Md. | Keliher | Payne |
| Cocks, N. Y. | Gill, Mo. | Kinhead, N. J. | Plumley |
| Conry | Gillespie | Kopp | Polindexter |
| Cooper, Wis. | Goebel | Kronmiller | Pratt |
| Coudrey | Goldfogle | Latta | Rainey |
| Covington | Graham, Pa. | Latta | Ransdell, La. |
| Cox, Ind. | Grant | Lindsay | Reeder |
| Cox, Ohio | Gregg | Livingston | Reld |
| Craig | Griest | Lloyd | Rhinock |
| Cravens | Hamer | Longworth | Riordan |
| Creager | Hamill | Loud | Roddenbery |
| Crumpacker | Hamilton | McCreary | Sabath |

| | | | |
|--------------|----------------|--------------|--------------|
| Sharp | Southwick | Taylor, Ohio | Wheeler |
| Sherwood | Sperry | Thomas, Ohio | Wilson, Ill. |
| Simmons | Steenerson | Underwood | Wilson, Pa. |
| Slayden | Stevens, Minn. | Volstead | Wood, N. J. |
| Slomp | Sturgiss | Vreeland | Woods, Iowa |
| Small | Sulzer | Wallace | Young, Mich. |
| Smith, Cal. | Swasey | Wanger | Young, N. Y. |
| Smith, Mich. | Taylor, Ala. | Washburn | |
| Snapp | Taylor, Colo. | Weeks | |

Thereupon the committee rose; and Mr. OLMSTED having assumed the chair as Speaker pro tempore, Mr. CURRIER, Chairman of the Committee of the Whole House, reported that the Committee of the Whole House had had under consideration bills on the Private Calendar, and finding itself without a quorum, the roll was called, and that he returned a list of the absentees.

The SPEAKER pro tempore. The Chairman of the Committee of the Whole House has reported that the committee has had under consideration private bills, in order under the rule, and that finding itself without a quorum, the roll was called, and he returns a list of the absentees.

Mr. MANN. I move, Mr. Speaker, that the list of absentees be reported.

Mr. STANLEY rose.

The SPEAKER pro tempore. For what purpose does the gentleman rise?

Mr. STANLEY. I rise to make a parliamentary inquiry, Mr. Speaker.

The SPEAKER pro tempore. The gentleman from Kentucky will state it.

Mr. STANLEY. I desire to know if the Clerk's eyesight is good? [Laughter.] Last night I inquired of the Clerk if I was recorded as being here, and the Clerk assured me that I was here. The Record shows that I was not. I wish to correct the Record, that it may show that I was here. [Laughter.]

Mr. MANN. Does the gentleman himself know whether he was here or not? [Laughter.] I ask that the list of absentees be reported.

The Clerk read the names of the absentees.

The SPEAKER pro tempore. The roll call discloses the presence of 216 Members—a quorum—and the committee will resume its session.

Mr. CURRIER resumed the chair as Chairman of the Committee of the Whole House.

The CHAIRMAN. The Clerk will proceed with the reading of the bill.

Mr. SIMS. Mr. Chairman—

The CHAIRMAN. For what purpose does the gentleman from Tennessee rise?

Mr. SIMS. I want to state to Members that if they do not stay here and keep a quorum we shall be compelled to abandon the fight. I am not going to fight to win a victory here for men who will not stay with me and make a quorum.

Mr. LANGLEY. We will all stay with you. [Laughter.]

Mr. MANN. Mr. Chairman, I would like to hear the Clerk read the bill. That can not be done in the confusion that now prevails.

Mr. BARTLETT of Georgia. Regular order!

The CHAIRMAN. The gentleman from Georgia calls for the regular order.

Mr. SIMS. The gentleman from Illinois [Mr. MANN] persists in making the point of order that there is not a quorum present, and each time on the ascertainment of a quorum, as soon as the quorum is announced, the Members vanish and scatter themselves throughout the lobby, and it takes up the time that should be devoted to proper proceedings in consideration of the bill.

The CHAIRMAN. The Clerk will read.

The Clerk proceeded with the reading of the bill, beginning on page 115, line 17.

The Clerk, proceeding with the reading of the bill, read to line 21, page 132.

Mr. MANN. Mr. Chairman, as I do not see the Representative from Massachusetts [Mr. GARDNER] in his seat, in his absence I will make the point that there is no quorum present.

Mr. CARLIN. I make the point of order that that point is dilatory.

Mr. MANN. It is not dilatory.

Mr. CARLIN. The gentleman's purpose is obvious. It is to filibuster.

Mr. MANN. I am entitled to have the members of the committee stay here and listen to the reading of this bill.

The CHAIRMAN. It is evident to the Chair that a quorum is now present. The Chair therefore sustains the point of order.

Mr. MANN. Let these gentlemen who have something in this bill stay here and listen to the reading of it.

Mr. AUSTIN. We will stay.

The Clerk, proceeding with the reading of the bill, read as follows:

SEC. 4. That section 4 of the act entitled "An act to afford assistance and relief to Congress and the executive departments in the investigation of claims and demands against the Government," approved March 3, 1883, and commonly known as the Bowman Act, be, and said section 4 is hereby, repealed, and section 3 of said act is hereby amended so as to read as follows:

"SEC. 3. The jurisdiction of said court shall not extend to or include any claim against the United States growing out of the destruction of or damage to property by the Army or Navy during the war for the suppression of the rebellion, or for the use and occupation of real estate by, or for stores, subsistence, or supplies taken by or furnished to any part of the military or naval forces of the United States in the operations of said forces during the said war; nor shall the said court have jurisdiction of any claim against the United States which is now barred by virtue of the provisions of any law of the United States: *Provided*, That all claims for supplies or stores taken by or furnished to any part of the military or naval forces of the United States for their use during the war for the suppression of the rebellion, heretofore referred or transmitted to the Court of Claims by virtue of and pursuant to the provisions of said act of March 3, 1883, or which shall be so referred prior to the 15th day of January, 1911, may be prosecuted in and shall be heard, determined, and reported by said court in all respects as fully and completely as if said section 4 of said act of March 3, 1883, had not been repealed or said section 3 thereof had not been amended by this act."

Mr. MANN. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. MANN. The Clerk has begun the reading of section 4 of the act, which contains provisions repealing two or more sections of the statutes. I wish at the proper time to make a point of order. Is it necessary to make it during this first reading?

The CHAIRMAN. Does the gentleman's point of order go to the question of jurisdiction?

Mr. MANN. It goes to the question of jurisdiction. I wish to inquire whether I must call attention to it on the reading of the first paragraph or when the section has been completed.

The CHAIRMAN. The reading of a paragraph is not completed until the succeeding section or paragraph has been read.

Mr. MANN. The section is divided into two parts. My inquiry is whether the question should be raised upon the completion of the reading of the section or when the first part has been read.

The CHAIRMAN. The Chair will say to the gentleman that if a point of order raising a question of jurisdiction is to be made it should be made upon the reading of the first part, treating it as a paragraph.

Mr. MANN. Then, Mr. Chairman, I make the point of order against this provision in the bill, which is a matter of general legislation, not in order on the Private Calendar, not in order even to-day. The committee has no jurisdiction to report a proposition of general legislation in this bill, which is a bill properly referable to the Private Calendar. I do not know upon what excuse or what parliamentary proposition it is presented here.

Mr. PRINCE. If my colleague from Illinois insists on his point of order, I have no doubt that the point is well taken. The Committee on Claims has no jurisdiction other than over the question of claims. We are not the Committee on the Judiciary, and we have no right to legislate; but we found this bill in its present form, as it came from the Senate.

Mr. MANN. Let me be perfectly fair with the Chair and with the House. This, of course, is a Senate bill. The committee could not divide up the bill. The question arises as to whether the bill ought to be on the Private Calendar or on the Public Calendar. I do not desire to detain the House at any length. I simply raise the question.

The CHAIRMAN. The question presented is a troublesome one, and the Chair would like to hear from gentlemen who wish to discuss the point of order.

SEVERAL MEMBERS. Rule!

The CHAIRMAN. The Chair is not prepared to rule. It is a very troublesome and important question.

Mr. AUSTIN. I understood the chairman of the Committee on Claims to concede that it was legislation and subject to a point of order.

The CHAIRMAN. The difficulty is that you can not strike this out as you could if it was a House bill. It is a Senate bill. The question is on which calendar it should be.

Mr. PRINCE. Mr. Chairman, if it is the contention of my colleague that this should not be on the Private Calendar, but on some other calendar, ought not that point to have been made at the time the bill was first under consideration—

Mr. MANN. This is the first time it has been under consideration.

Mr. PRINCE (continuing). And not wait until so much time has been consumed and we have read to this point in the bill?

Mr. MANN. The gentleman from Illinois, my colleague, confuses the first reading of the bill with the second reading of the bill. This is the first opportunity I have had, this being the first reading of the bill.

Mr. PRINCE. Undoubtedly the gentleman knew about it before we started to read the bill.

Mr. MANN. But I could not rise and make the point then, for the gentleman would not give me any concession to do anything in the House.

Mr. PRINCE. But the gentleman has had most of the time.

Mr. MANN. There was no concession; I have had nothing except my rights.

Mr. PRINCE. Yes; and the gentleman has had to fight for that.

Mr. SIMS. I do not think the gentleman has had to fight much, when he was making points of order all the time.

Mr. MANN. I have had to fight the gentleman from Tennessee sometimes.

The CHAIRMAN. The Chair will make some examination of the precedents.

Mr. OLCOTT. Mr. Chairman, there are several District of Columbia bills to be passed, and if there is nothing going on I should like to have an opportunity to take hold of them.

The CHAIRMAN. The gentleman from New York is mistaken; something is going on. If no one cares to discuss the point of order, the Chair will ask the Clerk to read, for the information of the House, the section to which the point of order is addressed, the first part of section 3 of the bill.

The Clerk read as follows:

SEC. 3. The jurisdiction of said court shall not extend to or include any claim against the United States growing out of the destruction of or damage to property by the Army or Navy during the War for the Suppression of the Rebellion, or for the use and occupation of real estate by, or for stores, subsistence, or supplies taken by or furnished to any part of the military or naval forces of the United States in the operations of said forces during the said war; nor shall the said court have jurisdiction of any claim against the United States which is now barred by virtue of the provisions of any law of the United States: *Provided*, That all claims for supplies or stores taken by or furnished to any part of the military or naval forces of the United States for their use during the War for the Suppression of the Rebellion, heretofore referred or transmitted to the Court of Claims by virtue of and pursuant to the provisions of said act of March 3, 1883, or which shall be so referred prior to the 15th day of January, 1911, may be prosecuted in and shall be heard, determined, and reported by said court in all respects as fully and completely as if said section 4 of said act of March 3, 1883, had not been repealed or said section 3 thereof had not been amended by this act.

The CHAIRMAN. The Chair wishes to state to the committee that to his mind it is perfectly clear that the provision just read is general legislation, and, standing alone, would make it clearly a public bill. But that is only a part of the bill. The Chair realizes the difficulty in dealing with this bill. The Chair would be glad of suggestions from Members as to how it is affected. If this was the only provision in the bill then clearly the point of order would lie. The bill would certainly be improperly on the Private Calendar, and the objection to it comes in time. The trouble in dealing with the bill is that if it was put on the House or Union Calendar it would be difficult to deal with it there since it includes a large number of private matters. The Chair can hardly see where this bill would go. In view of that difficulty the Chair would be glad to hear from the gentlemen who desire to discuss it.

Mr. CARLIN. I suggest to the Chair to leave it to the House to decide it and we will determine where it shall stay.

Mr. MANN. Mr. Chairman, I appreciate the difficulty in reference to this matter. While I made the point of order on this, I do not see how it would have been possible to have referred this bill to the House Calendar, where these legislative provisions would have gone if it had been a separate bill. I do not see how it would be possible to refer to the House Calendar provisions for the payment of money out of the Treasury. I do not see how it would be possible to refer it to the Union Calendar, being on the one side a private-claim bill and on the other side a legislative proposition going to the House Calendar.

Now, it has been referred to the Private Calendar. These provisions are not in order in the Committee of the Whole on the Private Calendar, but because I believe in being fairly fair, and if this should now be referred to the House Calendar, which of course would end the bill, I will withdraw the point of order.

The Clerk proceeded and completed the reading of the bill.

Mr. MANN. Mr. Chairman, I ask for the reading of the committee amendments.

The CHAIRMAN. The Clerk will read the committee amendments.

The Clerk proceeded to read the committee amendments to strike out the French spoliation claims, beginning on page 47, line 10, down to and including line 26, page 117.

Mr. SIMS (interrupting the reading). Mr. Chairman, I understand the Clerk is simply reading from what he has already read.

The CHAIRMAN. The Clerk is reading a committee amendment.

Mr. SIMS. Which is absolutely a duplication of what he has already read. It is an amendment striking out.

The CHAIRMAN. That is true, but it is an amendment reported by the committee.

Mr. SIMS. It has already been read.

Mr. GARDNER of Massachusetts. Mr. Chairman, I move that the committee do now rise.

The CHAIRMAN. The question is on the motion of the gentleman from Massachusetts that the committee do now rise.

The question was taken; and on a division (demanded by Mr. GARDNER of Massachusetts) there were—ayes 20, noes 81.

So the motion was rejected.

The Clerk continued the reading of the amendments.

Mr. CARLIN (interrupting the reading). Mr. Chairman, I make the point of order that it is not in order to read this matter which has already been previously read.

The CHAIRMAN. The point of order is overruled.

Mr. CARLIN. I appeal from the decision of the Chair.

Mr. MANN. Mr. Chairman, I make the point of order that there is no appeal from the decision of the Chair on a matter of order of this kind.

The CHAIRMAN. The Chair will entertain the appeal. The question is, Will the judgment of the Chair stand as the judgment of the committee?

Mr. LLOYD. What was the ruling of the Chair?

The CHAIRMAN. The Chair overruled the point of order made by the gentleman from Virginia, that the reading of the committee amendments should not proceed.

Mr. GARDNER of Massachusetts. Mr. Chairman, I will move to lay that appeal on the table.

Mr. CARLIN. Mr. Chairman, I withdraw the point of order.

The CHAIRMAN. The Clerk will read.

The Clerk concluded the reading of the committee amendments.

Mr. PRINCE. Mr. Chairman, the bill having been read, and the committee amendments having been read, I desire to make a few remarks upon the bill. This is what is known as the omnibus bill. There are carried in the bill as it came from the Senate for individual claims under the war claim division of the bill \$475,123.04, church claims under the war claims portion of the bill to the amount of \$377,174.08, making in all \$852,297.12 which was carried by the bill when it was presented to the Senate. In addition to what I have named, upon the floor of the Senate an amendment was made adding \$95,382. That makes the total carried by the Senate bill now under consideration by the committee \$947,779.12. The Committee on Claims directed me, as chairman, to refer a part of this at least for consideration to the War Claims Committee. They will show to this committee at the proper time, and this is not the proper time, how much they will add to this measure on the war claims provision of the bill and how much they have deducted for reasons good and sufficient to that committee. As I understand, totaling it, the bill will carry, if amended for war-claim purposes, \$1,164,291.13. When the bill came to the Committee on Claims it contained a provision to pay a certain kind of French spoliation claims. There are three kinds of French spoliation claims—one going to individuals, one going to private underwriters, and one going to insurance companies. For reasons not known to me, the Senate declined to consider in that bill any French spoliation claims pertaining to insurance claims, and this bill, when it came to our committee, had two kinds of French spoliation claims—one individual claims and one private underwriters' claims—the total aggregate of those claims being \$842,688.43.

There are other claims in the bill known as overtime navy-yard claims, and six or seven miscellaneous claims. The total of those is \$345,961.22. If the bill should pass as the proponents of the bill may desire to have it passed it would carry \$1,164,291.13 in war claims, \$842,688.53 in French spoliation claims of the kind I have mentioned, and overtime claims amounting to \$345,961.32, or a total of \$2,352,940.78.

Mr. MANN. Will my colleague yield for a question?

Mr. PRINCE. I will, for a question.

Mr. MANN. My colleague only named three classes of claims; that is, war claims, French spoliation claims, and overtime claims. Are not there a number of claims in the bill which do not come within any one of those designations?

Mr. PRINCE. There are only very few that do not come under that class; a very few, indeed.

Mr. MANN. Will the gentleman tell how much is involved in those claims?

Mr. PRINCE. Not very much.

Mr. MANN. Oh, but the gentleman has some idea.

Mr. PRINCE. There may be in the rough—

Mr. MANN. Will not the gentleman give it to us a little more closely?

Mr. PRINCE. I have not figured it up, but I should say \$50,000.

Mr. MANN. In the figures which the gentleman gave as to overtime claims, do those figures include all these other claims?

Mr. PRINCE. Yes.

Mr. MANN. That is the sum of the overtime and the other claims?

Mr. PRINCE. Yes; I so stated. I stated here, and it is in the report, of the kind of claims the total is \$345,961.22, which includes the overtime and the other claims to which the gentleman refers.

Mr. KITCHIN. What are the other claims?

Mr. PRINCE. I will reach those in a moment.

Mr. AUSTIN. If the gentleman will permit, in his classification of war claims, under the head of church claims do you include claims due Masonic lodges and Odd Fellows?

Mr. PRINCE. No. We call those church claims, and they are specified as such. The other would be individual claims to cover these organizations and not as a church.

Mr. AUSTIN. My second question is this: Has the Court of Claims passed on all of these claims?

Mr. PRINCE. I will reach that in a moment.

Mr. GARDNER of Massachusetts. If the gentleman will permit, before he leaves the matter of French spoliation claims—

Mr. PRINCE. Yes.

Mr. GARDNER of Massachusetts. Those in this bill only include two classes of claims, as I understand it.

Mr. PRINCE. I so stated.

Mr. GARDNER of Massachusetts. The same two classes which have been included in the last three omnibus bills which have appropriated for French spoliation claims.

Mr. PRINCE. Yes.

Mr. GARDNER of Massachusetts. Another thing. You stated that the amount of the claims was a little over \$800,000.

Mr. PRINCE. Yes.

Mr. GARDNER of Massachusetts. In your report I find it amounts to but a little over \$110,000.

Mr. PRINCE. That is not a report at all; that is a matter that I gave you which is in the nature of a subcommittee's report to the full committee, which the committee declined to favor.

Mr. GARDNER of Massachusetts. If the gentleman will listen for one moment, the gentleman can perhaps explain the matter to my satisfaction. On page 6, halfway down, speaking of the French spoliation claims, it says:

Of the 59 cases reported to the Sixty-first Congress, only 19 have been favorable, involving \$105,000, and of the 21 cases reported from the court to this session only one has been favorable, involving \$4,500.

Mr. PRINCE. Yes.

Mr. GARDNER of Massachusetts. Where does the balance come in?

Mr. PRINCE. If the gentleman would read closely what he has read, it says of the 59 cases reported to the Sixty-first Congress—

Mr. GARDNER of Massachusetts. Yes.

Mr. PRINCE. The cases that are included in the Senate bill are those that come from former Congresses between the time of the last passage of the bill and this bill, and if you add to that what came in the Sixty-first Congress you get the sum total which I have given you—\$842,688.53.

Mr. AUSTIN. Now, I wish to ask the gentleman how long it has been since Congress appropriated money to pay the claims from the Court of Claims.

Mr. PRINCE. My impression is that it was in 1905—six years ago.

Mr. MANN. Will the gentleman yield to one question in reference to the French spoliation claims? We have had certain French spoliation claims, I think, now three times before, and, I suppose, to a certain extent established the policy, and is the gentleman able to say whether the French spoliation claims involved in this case are in any way different from the classes of claims which Congress has heretofore paid? Do they stand in any way upon a different footing?

Mr. PRINCE. No, sir.

Mr. MANN. Why is it that these claims were not paid before?

Mr. PRINCE. As I understand, in the former bills they included the French spoliation claims favorably passed upon up to that time. These are subsequent to the time that payments have been made.

Mr. MANN. Were all the French spoliation claims of these classes that are covered in this bill, and that have been through

the Court of Claims, carried in the bills which passed before?

Mr. PRINCE. Yes.

Mr. MANN. These are the only claims which have gone through the Court of Claims since the passage of the last bill that carried French spoliation claims?

Mr. PRINCE. Yes.

Mr. MANN. The gentleman is accurate about that, now?

Mr. PRINCE. That is my recollection.

Mr. GARDNER of Massachusetts. I am quite confident that is a fact.

Mr. MANN. I am very frank with the gentleman. The gentleman understands my position.

Mr. PRINCE. I understand your position.

Mr. MANN. The only reason we have taken time on this, or possibly a little extra time, is because we have no information on the subject. Now, if the gentleman can give us information, not estimates or guesswork, it will make a great deal of difference in the way I feel toward the bill.

Mr. PRINCE. Very well; I will try to answer the gentleman.

Mr. GARDNER of Massachusetts. If the gentleman from Illinois [Mr. PRINCE] will yield, permit me to say that at the time the last spoliation claims were paid by Congress I had occasion to look the matter up to see if all findings had been included.

Mr. MANN. When was that time?

Mr. GARDNER of Massachusetts. I should say about four years ago, but I can not be sure. At that time I found that by amendment all French spoliation claims reported favorably by the Court of Claims up to the date of the offering of that amendment, which, I think, was December 20, in that year, were taken care of, except the claims which are usually called insurance company claims.

Mr. ANTHONY. Will the gentleman give a little information in regard to the navy yard back-pay claims by navy-yard workmen?

Mr. PRINCE. I will do the best I can.

Mr. ANTHONY. Have those ever been considered by the committee of the House?

Mr. PRINCE. I will answer that as I go along, and if I do not answer it ask me the question again.

Mr. ANTHONY. The reason I asked the question was because there were certain bills under the eight-hour law pending in the House, and certain claims have come from the Senate that have been heretofore rejected by the House Committee on Claims.

Mr. PRINCE. I have something else in my mind now. If I do not answer the question, ask me again.

Mr. KITCHIN. When was the first appropriation made on these so-called judgments?

Mr. PRINCE. I am unable to give my colleague that information from memory here, but I will see if I can tell him in a minute.

Mr. KITCHIN. Perhaps the gentleman from Massachusetts [Mr. GARDNER] can do so.

Mr. PRINCE. Just wait and I will answer you. I will read:

In 1896 the general deficiency bill passed both Houses carrying an appropriation for French spoliations of \$1,000,000 and was vetoed by President Cleveland. The first omnibus claims bill was passed in 1899, and was approved by President McKinley, carrying an appropriation for French spoliation claims amounting to \$1,055,734.04. The second and third omnibus claims bills passed both Houses in 1902 and 1905, respectively, and were both approved by President Roosevelt, carrying appropriations for French spoliations of \$798,000 and \$752,000 and odd.

These four general appropriation acts, as far as the French spoliation cases are concerned, amounted in the aggregate to \$3,810,000 or \$4,000,000 in round numbers. During the last 14 years there has been no debate nor dissent in the House in the acceptance of the Senate amendments to these claims.

Have I answered the gentleman?

Mr. KITCHIN. What is the gentleman reading?

Mr. PRINCE. I am reading from a subcommittee report that was prepared on the omnibus bill to submit to the full committee.

Mr. KITCHIN. Which was adversely reported.

Mr. PRINCE. And which was rejected by the committee.

Mr. KITCHIN. Now, what I wanted to ask is, I see that there has been appropriated about \$4,000,000 at three different times.

Mr. PRINCE. Yes, sir.

Mr. KITCHIN. I would like to know if there is any man in this House who heard any of the debates concerning these appropriations at all. I would like to know if it is not a fact that they were put on a bill by the Appropriations Committee as judgments of the court, and if it was not so stated, and if

the House did not so understand, when they were put upon the appropriation bill, that they were final judgments of the court—such judgments as the Government is under moral and legal obligations to pay. Is it not a fact that these claims simply went on the appropriation bill and never went before any Claims Committee of this House and were never considered by such committee, but came to the Appropriations Committee as judgments of the court? How did they get before the House?

Mr. PRINCE. My answer to my colleague on the Committee on Claims is this, that the first omnibus claims bill—which was not an appropriation bill—was passed in 1899. I was then a Member of this House, and must have voted for it.

Mr. KITCHIN. I know; but did the gentleman hear any discussion thereon?

Mr. PRINCE. When, may I ask, did the gentleman from North Carolina enter Congress?

Mr. KITCHIN. I was elected in 1900.

Mr. PRINCE. Let me read what was done since the gentleman has been here.

Mr. KITCHIN. I know; but I do not know anything about it, nor does any other Member here seem to know how those appropriations were made.

Mr. MANN. The first time the French spoliation claims went through the House there was a long contest waged against them. I voted against them, as I recall.

Mr. KITCHIN. How long has the gentleman from Illinois been here?

Mr. MANN. I have been here since the spring of 1897. I think that is the only time that the House ever directly passed the French spoliation claims, inasmuch as after that the French spoliation claims were added to the general deficiency bill, I think, in the Senate.

Mr. PRINCE. No; I beg the gentleman's pardon. I can give you the statute covering that. It is the Thirtieth Statute. I can also give you the page, so that you can verify what I am saying and need not accept any guesswork about it.

Now, are there any further questions from my colleague in regard to these claims?

Mr. MANN. What is the statute and page of the last act?

Mr. PRINCE. The Thirty-third Statute, law 743.

Mr. KITCHIN. What does the gentleman's brief say about these appropriations of 1902 and 1905? I know that they did not come before our committee. I have been a member of the Claims Committee since 1901, and they ought to have gone before that committee—

Mr. PRINCE. I can not say as to that—

Mr. KITCHIN. Unless they went to the Appropriations Committee as judgments of the court or, perhaps, quietly tacked on to some bill in the Senate.

Mr. PRINCE. I can say this to my colleague on the Committee on Claims, that the reference has been first to the War Claims Committee and then to the Claims Committee. No; there is no uncertainty as to which committee of the House has jurisdiction over the French spoliation claims, but in the Senate the situation is different. In the Senate there is but one Committee on Claims, while the House has four committees which deal with claims—the Committee on Indian Affairs, the Committee on Private Land Claims, the Committee on War Claims, and the Committee on Claims—so that if a bill goes from this body to the other body, and they there put on war claims, they may put French spoliation claims upon a war-claims bill, and it will go to the War Claims Committee on its return from the Senate.

Mr. MANN. Every omnibus bill that has passed the House, I think, in recent years has been an omnibus bill from the War Claims Committee.

Mr. PRINCE. Yes.

Mr. MANN. The French spoliation claims have been added by the Senate to this bill, and, of course, when it returned to the House it went to the Claims Committee.

Mr. PRINCE. Yes; that is true.

Mr. GARDNER of Massachusetts. Is not this the fact, that the last bill that contained French spoliation claims was an omnibus bill coming before the War Claims Committee? Inasmuch as they were findings, but not judgments, of the Court of Claims, they could not be put upon any of the appropriation bills, as they could have been put if they had been judgments, and therefore the Senate by amendment put these French spoliation claims on as an amendment to the omnibus war claims bill, and when they came back they went into a conference conducted by conferees on the part of the Senate selected from the Senate Committee on Claims and three conferees selected on the part of the House from the Committee on War

Claims, although the Committee on War Claims did not, perhaps, have jurisdiction of the subject.

Mr. PRINCE. That is correct. They had not.

Mr. KITCHIN. Does the gentleman remember any discussions here in 1902 and in 1905 by any Members of the House?

Mr. GARDNER of Massachusetts. I do not recall as to the discussion of 1905. I filled a vacancy and was reelected in 1902. I have not heard these claims discussed before the House.

Mr. MANN. The title of the act that the gentleman referred to as being the last one carrying spoliation claims is the act approved February 24, 1905, entitled "An act making allowances of certain claims reported by the Court of Claims, and for other purposes."

Mr. PRINCE. I wish to say this, that prior to this Congress the indexes of the CONGRESSIONAL RECORD will give you no information as to whether a claim belongs to one committee or another.

We have tried before our committee, which I think is a well-equipped committee in its clerical department, to get these claims separated in some way; and if you will look at the index since the beginning of this Congress you will find under the head of "Claims" the claims that belong to our committee. You will find under "War claims" those which belong to that committee. In the earlier indexes you can not tell to which they belong or what a bill is about until you read it.

Mr. MANN. Will the gentleman yield, and see if we can get at a fact or two?

Mr. PRINCE. Yes.

Mr. MANN. I wish to be informed whether the items in the bill now pending, headed "War claims," on the first page, down to the title "French spoliation claims," on page 47, are all war claims, and whether the Committee on Claims have given consideration to those items in the bill, or left them to the War Claims Committee.

Mr. PRINCE. We have given no consideration to them, and I would not want to be held responsible, either individually or as representing the committee.

Mr. MANN. I understand. Now the committee has reported recommending the striking out—

Mr. SHACKLEFORD. Let me ask the gentleman in that connection whether the Committee on Claims had these items before them, and if they did not pass a resolution that so far as the Committee on Claims were concerned we would approve those items and send them to the War Claims Committee with our approval.

Mr. PRINCE. Yes; and that is in the report.

Mr. MANN. You gave no consideration to that?

Mr. PRINCE. No; we did not consider it.

Mr. SHACKLEFORD. You took a vote on it.

Mr. PRINCE. We referred it to the War Claims Committee.

Mr. SHACKLEFORD. Did you not pass a resolution in your committee that you would do that?

Mr. PRINCE. We passed a resolution in our committee that the bill be referred to the Committee on War Claims, and if we had referred this bill to the Committee on War Claims you would not have had it considered at this session. We have adopted the means to do what you wanted to have done.

Mr. MANN. Outside of the French spoliation claims and the claims that the gentleman has jurisdiction of, the claims commencing at page 118, marked "Navy-yard overtime and other claims," the gentleman's committee made no change whatever in the bill as it passed the Senate in reference to those claims?

Mr. PRINCE. We have not.

Mr. MANN. Now, is the gentleman able to state from personal examination that all of these claims which the Navy Department inserted in this bill ought to be paid and that there are no other claims of that character which ought to be paid?

Mr. PRINCE. Will the gentleman please state that again? It is a double question.

Mr. MANN. Has the gentleman or his committee examined all the items, commencing with page 118 in the bill, which were inserted by the Senate?

Mr. PRINCE. Yes.

Mr. MANN. So as to express the opinion of the gentleman in reference to those items? Or has the gentleman simply taken those items in a way as represented by the opinion of the Senate?

Mr. PRINCE. I will answer the gentleman, and that will give information to the committee. I had the clerks in the Committee on Claims get for me every document, every court finding, on every bill and every paragraph not only in the navy-yard overtime and other claims, but the French spoliation claims. I looked through those myself. I have them here, bound. It took me two or three weeks to get the findings of the Court of Claims, and I have before me the findings bound

in this form for the use of the committee—the findings of the Court of Claims on every item in this bill, beginning on page 48 with the French spoliation claims and going to the end of the bill.

Mr. MANN. There is quite a difference between getting the findings and expressing an opinion in reference to them.

Mr. PRINCE. Yes.

Mr. MANN. There is no great difficulty in having the findings bound. Has the gentleman examined the findings in reference to all and each of these claims?

Mr. PRINCE. I have examined the findings, and it is my opinion that every one of these claims in this bill that this committee has jurisdiction of and charge of is based upon a finding of facts by the Court of Claims, so far as overtime and navy-yard claims are concerned, and the miscellaneous claims, the few that are in there; and as to the French spoliation claims, it is a finding of facts and a conclusion of law.

Mr. SHACKLEFORD. May I ask the gentleman a question?

Mr. PRINCE. Certainly.

Mr. SHACKLEFORD. Were these items to which the gentleman refers ever read in your committee, section by section?

Mr. PRINCE. No, sir; they were not.

Mr. SHACKLEFORD. Was the bill ever read in your committee?

Mr. PRINCE. The gentleman is a member of the committee and he ought to know.

Mr. SHACKLEFORD. No; it was not. The bill never was read in the committee. I asked the gentleman the question in order that the House might know the facts.

Mr. PRINCE. Well, I will state what I know about it.

Mr. MANN. The gentleman from Illinois knows that the bill has been read in this committee. [Laughter.]

Mr. PRINCE. Yes. There was a subcommittee of five members appointed, and that subcommittee obtained the information that I have told you I based my judgment upon. We reported to the full committee, and the full committee approved of all we did except the French spoliation claims.

Mr. SHACKLEFORD. Did not the full committee, with this entire bill before it, move to adjourn sine die, and did not you get the committee together on special call and report this bill out without reading it at all?

Mr. PRINCE. Is the gentleman from Missouri for or against the bill?

Mr. SHACKLEFORD. I want the facts before the House. I ask the gentleman if it is not a fact that with the bill before the committee somebody asked for its consideration, and did not the committee in the face of that vote to adjourn sine die?

Mr. PRINCE. I will answer the whole question. I do not think it is proper to disclose committee affairs or what took place, but when this bill was under consideration the committee determined by a majority vote of a roll call to postpone action on this entire bill and adjourn sine die.

Mr. SHACKLEFORD. That was the unanimous vote?

Mr. PRINCE. No; I will not say that; there was no roll call on the adjournment. Later on I was beseeched by a Representative from Virginia [Mr. CARLIN], and I was beseeched by the gentlemen on that side of the Chamber as well as on this, begging of me to call the committee together again, to not pigeonhole a bill of this kind, but submit it to the House. I said I would not sign that paper, because it was addressed to me. A majority of the committee asked me to call the committee together again, and I did call it together, and the committee reconsidered their action, and then took the action that I have told you about, and reported the bill favorably to the House, turning over the war claims to the Committee on War Claims and striking out the French spoliation claims. Is not that correct?

Mr. SHACKLEFORD. Yes.

Mr. PRINCE. Well, what is the use of bringing it all out?

Mr. SHACKLEFORD. In order that the House might know that the bill was never read item by item and was not considered at all.

Mr. PRINCE. Why, I have told the gentleman that the subcommittee was appointed and that they went over the bill item by item and reported to the full committee and the full committee struck out the French spoliation claims and then approved of the rest.

Mr. MANN. I agree with my colleague that it is not a question of what was read to the committee. The question is what consideration was given to the items in the bill by the members of the committee. I am perfectly willing to take the judgment, ordinarily, of the gentleman from Illinois, my colleague, in reference to claims if he has given them examination and consideration. But I say to the gentleman that it seems remarkable to me that the distinguished body at the other end of the

Capitol should happen to light upon just exactly the claims that ought to be paid and include them all and leave out or exclude none that ought to be paid. And yet the gentleman has reported in a bill including all the claims inserted by the Senate and adding not one to this class of claims.

Mr. PRINCE. After this bill came to the committee and the subcommittee was appointed I went personally to the Court of Claims and I asked the clerk, Mr. Randolph, to go over every case that had been sent by the Committee of the House on Claims and which had been referred under the resolution to the Court of Claims from the House, to look them over and give me every one of those findings. We put in hours and I put in days, and we went over item by item, every one, from 1905 down to the date this bill was being considered.

We found that there were no claims that had been referred by the committee of the House by resolution to the Court of Claims that had been reported back to this House that had any right to go into this bill. I found one there. There was one there that was here before the committee in another way, that of Hans Peter Gutterson. That had been reported by the committee. There was another bill for injury that is pending in the committee. There was not a single, solitary measure in the nature of overtime or French spoliation claims or findings of the Court of Claims since 1905 up to this minute that belongs in this bill that originated in this House or should be put in here.

Mr. MANN. Then you added nothing to it?

Mr. PRINCE. No. The gentleman wanted to know the reason why and how we got at it, and I have told him.

Mr. MANN. Then the gentleman did not consider it was his province to add any claims which were reported back from the Court of Claims to the Senate?

Mr. PRINCE. That is right.

Mr. MANN. No one desires to quarrel with the gentleman or with his committee about that.

Mr. PRINCE. I am familiar with what the committee did, and we took the position the second time the committee met that here was an important measure, here were men interested all over the United States in these claims, and no committee of this House had the right to pigeonhole a measure of this kind. [Applause.]

Mr. MANN. Now, let us take the navy-yard overtime claims. Is that a new proposition, or how old is that? How many of those have been paid in the past that are on all fours with this class?

Mr. PRINCE. I guess that is more of a new proposition than the others.

Mr. MANN. Is it not a fact that the gentleman's committee has never looked with favor on that class of claims in the past?

Mr. PRINCE. It is true that the committee, so far as I know, has not sent to the Court of Claims any resolutions along that line.

Mr. MANN. Can the gentleman indicate or state a list of the other claims in the bill that were included with the navy-yard overtime claims that are not navy-yard overtime claims?

Mr. PRINCE. There are very few in that; six or seven.

Mr. MANN. I understood the gentleman to say there were very few, but what are they?

Mr. PRINCE. Well, for instance, on page 126 there is one.

Mr. MANN. I mean has the gentleman a list of them?

Mr. PRINCE. No; I have not, now.

Mr. MANN. Did the gentleman examine all of those claims?

Mr. PRINCE. I have examined all of them, and you will find, I think, the only one there is any dispute about is on page 126 of the bill, and that is known as the Aaron Van Camp case. I looked into the findings. I have the findings before me. It struck me and other members of the committee that it was a just claim. That is something for the House to determine, whether we were right or wrong in our judgment.

Mr. MANN. That is a large claim?

Mr. PRINCE. It is.

Mr. MANN. The gentleman is familiar with the fact that there have been claims pressed against the Government a long time on account of the extra pay for longevity in the Navy.

Mr. PRINCE. Yes.

Mr. MANN. Are any of those claims in this bill?

Mr. PRINCE. I do not recall of any of them being in this bill.

Mr. MANN. Well, is the gentleman able to say whether there are any in the bill?

Mr. PRINCE. If the gentleman will point out one, I will be glad to tell him. I do not now recall.

Mr. MANN. If the bill had been reported and if I had been told it would be called up, I probably would not ask the gentleman anything about it. I have not had an opportunity to in-

form myself and Members have not had an opportunity to inform themselves about the bill. It seems to me the bill ought not to have been called up until we had an opportunity to know about it, although I am not desirous of criticizing my colleagues for that.

Mr. AUSTIN. If the gentleman will permit, I desire to ask him the question if these are not the class of claims referred to by the President in his annual message, in which he stated that he believed it to be the duty of Congress to properly pay them?

Mr. PRINCE. Well, I will read what the President says on that, and you may judge as well as myself. You will find it in the report I made. President Taft, on December 6, 1910, said:

I invite the attention of Congress to the great number of claims which, at the instance of Congress, have been considered by the Court of Claims and decided to be valid claims against the Government. The delay that occurs in the payment of the money due under the claims injures the reputation of the Government as an honest debtor, and I earnestly recommend that those claims which come to Congress with the judgment and approval of the Court of Claims should be promptly paid.

That is what the President said.

Mr. MANN. In that connection the gentleman has read the statement of the President about these claims. Now, has the gentleman read the statement of the President about the Southern Pacific claims, which is much longer than that?

Mr. PRINCE. Oh, my colleague—

A MEMBER. That is not in this bill.

Mr. MANN. But the gentleman called up this bill, or some gentleman, ahead of the other bill. I am not in favor of the other bill—no not misunderstand me; but if you are undertaking to find out what the President is for, he gave a good deal more attention to the other claim than to this claim. Those are the ones taken out—

Mr. AUSTIN. Have not these claims been pending five or six years longer than the claim of the Southern Pacific Railroad?

Mr. PRINCE. I wish the gentleman would not seek to beg the issue. The issue here is whether we will pay these claims or not which are before the bar of the House for consideration. Now let us try them. If you have any questions you want to ask along this line ask them, and if able I will tell you, but let us get at the issue.

Mr. THOMAS of North Carolina. The President's position has already been stated, and perhaps the gentleman has stated already what I am going to ask, but I want to call attention to it in the debate. If I understand the gentleman, his committee has recommended the striking out of the French spoliation claims from the Senate bill referred to his committee.

Mr. PRINCE. The committee has so determined.

Mr. THOMAS of North Carolina. That is your committee amendment. Now, excepting the French spoliation claims, there is not a claim over which your committee has any jurisdiction in your bill upon which the Court of Claims has not made a favorable finding?

Mr. PRINCE. No.

Mr. SIMS. And also on the French spoliation claims.

Mr. SULLOWAY. And also on the French spoliation claims.

Mr. THOMAS of North Carolina. And I understand also the Court of Claims made favorable findings on the French spoliation claims. Is that a fact?

Mr. PRINCE. Every claim that is in this bill, war claims the same, and the gentlemen on the Committee on War Claims can say that as I have not gone over those—

Mr. THOMAS of North Carolina. Your committee has not jurisdiction of war claims, of course.

Mr. PRINCE. We have not jurisdiction and have not gone over them, but the French spoliation claims and navy-yard overtime and other claims have been referred in the Senate to the Court of Claims. Now, let me read what that court consists of. Chief Justice Stanton J. Peelle, Judge Charles B. Howry, Judge Fenton W. Booth, from Illinois; Judge Samuel S. Barney, a former Member of this House; and Judge George W. Atkinson. These men were the judges, clothed with all the responsibility of judges. They had before them these claims. On the one side was the claimant pressing for his rights through his attorneys; on the other side was the Government objecting to these claims through some representative connected with the Department of Justice. The claims were very carefully considered by the court, and the court has found, and in every instance that was before this committee, a favorable finding. Now, it is true that these findings are not binding upon the House, and it is true that they are advisory to the House; but they have thrashed out this question, and their judgment ought to be considered as worth something. When we hold out to the people of the country a tribunal to which they can go to get their cases tried, and that tribunal should decide in their favor, we ought to carry out the will of the tribunal or abolish that tribunal and not

hold out a false light to our people and cause such unnecessary expense and trouble.

Mr. MARTIN of South Dakota. Mr. Chairman, a question.

Mr. PRINCE. Yes.

Mr. MARTIN of South Dakota. I understood the gentleman—and I have been following quite closely—to say as to these navy-yard overtime claims and the other miscellaneous claims that the court had made certain findings of fact but not conclusions of law.

Mr. PRINCE. Let me answer that.

Mr. MARTIN of South Dakota. What I desire to know, if that is the case, is whether these miscellaneous claims are legal liability against the Government or whether that question has not yet been determined.

Mr. PRINCE. It depends on what you call a legal liability. There is no statute of limitations that runs against the Government.

Mr. MARTIN of South Dakota. Without regard to that, why is it in that class of cases there are no conclusions of law as to the liability in the case?

Mr. PRINCE. Because under the law which refers these cases to the Court of Claims they have no authority to render a conclusion of law, but only to have a finding of fact.

Mr. MARTIN of South Dakota. What would the gentleman say as to the legal liability of the Government as to these miscellaneous claims?

Mr. PRINCE. If the gentleman did not think they were proper claims, the gentleman would not have them in this bill. That is his answer to you. Now, on the question of the French spoliation claims, it is stronger than the other claims for this reason: The statute which gave authority for the French spoliation claims to go to the Court of Claims clothed the Court of Claims with additional authority from that which already clothed the claims under the Bowman and Tucker Acts.

Mr. MARTIN of South Dakota. And why have the committee reported against the French spoliation claims and in favor of the others?

Mr. PRINCE. I can not answer that. I can only tell you what the facts are about the law.

Mr. MARTIN of South Dakota. It might help to guide the Committee of the Whole House, perhaps.

Mr. PRINCE. It is impossible for me to tell you how the individual members vote. I have been drawn into telling what was transacted in the committee, in violation of the rules of the House.

Mr. MARTIN of South Dakota. That is not the purpose of my question. The purpose of my question is to know what may guide the membership of this House as to the merits of those claims. The committee has rejected them.

Mr. PRINCE. I will answer you further on that. The act which created the authority for the French spoliation claims to go before the Court of Claims and gave them authority to hear and try these cases gave them authority to render their findings of fact.

Now, I will have opened by a Member, without any knowledge whatever, this book, so that you will see whether there is any thimble-rigging about it or not.

[A Member opened the book, at the request of Mr. PRINCE.]

Now, there has been a finding of fact in favor of this case. Let me read what they said, with the conclusions of law, on the French spoliation claims. They said:

The court decides as conclusions of law that said seizure and condemnation were illegal, and the owners and insurers had valid claims of indemnity therefor upon the French Government prior to the ratification of the convention between the United States and the French Republic concluded on the 30th day of September, 1800; that said claims were relinquished to France by the said Government of the United States by the said treaty in part consideration of the relinquishment of certain national claims of France against the United States; and that the claimants are entitled to the following sums from the United States—

And then gives the amount.

Mr. PARKER. Will the gentleman tell me whether that case has ever been appealed to the Supreme Court of the United States?

Mr. PRINCE. This one case?

Mr. PARKER. The cases in the Court of Claims as to the existence of the state of war between France and the United States. The question in that case is as to whether there was a state of war between the United States after the acts of 1798, by which every French ship was to be captured on the high seas.

Mr. PRINCE. Is the gentleman familiar with the ground upon which the Government is liable for this French spoliation?

Mr. PARKER. The ground on which they are liable? I do not think they are liable.

Mr. SHACKLEFORD. In that connection, before you pass that—

Mr. PARKER. If I get any time I will let the House know what I think concerning it.

Mr. SHACKLEFORD. Was not this submitted to the Court of Claims under an act to cut the Government out of an appeal to the Supreme Court?

Mr. PRINCE. Oh, no. Now, gentlemen, let me read to you:

In the year 1778, at the most critical period of the Revolution, Benjamin Franklin succeeded in negotiating on behalf of the United States certain treaties with France, under the terms of which France agreed to furnish money and ships to aid us in carrying on our struggle for independence. In return the United States agreed to guarantee forever to France her possession of the West Indies, to give her certain exclusive port privileges, to make an offensive and defensive alliance, and to aid her with men, money, and supplies in the event of future wars with Great Britain. How France made good her promises is a matter of history. She furnished 20,000 troops, a navy of 36 war vessels, and expended \$280,000,000 in our behalf.

That is the basis of these claims.

When the time came for us to settle and we became a Republic, and when we had our trouble with England, France insisted that we carry out that agreement and enter into a contest with Great Britain. Many Members of this House, who have read the early history of our country, will recall that when the French minister was here he went about through the country, and stirred up trouble, and finally President Washington repudiated that formal agreement that we had entered into with France and said we should have no entangling alliances with foreign nations. I think he did wisely. That controversy at the time divided the great men of the day. Mr. Jefferson took one side and President Washington took the other. Mr. Jefferson, by reason of his insisting on fair dealing and square treatment, finally came to the consideration of the Louisiana Purchase, and part of the consideration in that transaction was that we were to have that princely domain at a relatively nominal price. We assumed this obligation, and it was thought to be a part of the purchase money that we should pay for Louisiana.

Now the statement comes up at this late date that it is an old and stale claim—\$280,000,000 expended in the effort to make us a Republic, 36 naval warships of the kind that existed at that time, and 20,000 troops from France, sent here to give us our independence. We assumed certain obligations. We paid \$4,000,000 of those obligations in 1889, in 1902, and in 1905. Are you going to repudiate this to-day?

Mr. NORRIS. Will the gentleman yield there?

Mr. PRINCE. Yes.

Mr. NORRIS. As I understand the gentleman, these particular claims that he is speaking of now have all been cut out by the committee, or the committee recommends that they be not paid?

Mr. PRINCE. I am speaking of the bill as a whole, as it appears before this committee. We have made a recommendation from the Committee on Claims. The gentleman from Illinois [Mr. MANN] has insisted that that portion of the bill shall be read to the House for its information before the House takes action upon it.

Mr. MANN. It is sure to be in the law.

Mr. PRINCE. Yes; it is sure to be in the law. If you want this bill to be a law, you want the French spoliation claims to be included here; you want the war claims in here, and you want the overtime claims in here. The failure to include all of these claims means certain defeat for the bill.

Mr. NORRIS. Why did the committee leave them out?

Mr. PRINCE. I can not answer that question. Five Democrats voted to cut them out; five Republicans voted to keep them in, and one Republican voted to cut them out—no doubt for a good and sufficient reason. I do not question their motives. They have a right to cut them out if they see fit to do so.

Mr. KITCHIN. I believe the gentleman from Illinois [Mr. PRINCE] said that five Democrats and one Republican voted against it?

Mr. PRINCE. Yes, sir.

Mr. KITCHIN. And five Republicans voted for it?

Mr. PRINCE. Yes; that is right.

Mr. KITCHIN. That was not on a full hearing of the committee?

Mr. PRINCE. No.

Mr. KITCHIN. That was, as I understand, on a second recall meeting, and the subcommittee explained it to the full committee when the meeting of the full committee was had; and at that time was not the opposition to this class of claims, both on the Republican side and on the Democratic side of the committee, so unanimous that no man even dared to call for a holding up of hands or a record vote, and immediately after that, on a motion made to adjourn sine die, was not that motion carried when there was a full committee meeting of eight Republicans and five Democrats—was it not carried unanimously?

Mr. PRINCE. I can not agree entirely with the gentleman. I will answer the gentleman in this way: I think the number that he says were there were there at the first meeting.

Mr. FINLEY. Mr. Chairman, I make the point of order that the gentleman should not refer to, or discuss on the floor of the House, proceedings that took place in committee.

The CHAIRMAN. The gentleman from South Carolina makes the point of order that it is not proper in the House or in the Committee of the Whole to refer to proceedings which took place in a standing committee. The Chair sustains the point of order.

Mr. PRINCE. I think the gentleman is in the main correct. I do not want to discuss that. I have no criticism to make of my colleagues on the committee who differed with me. We have had the most cordial relations heretofore, and I do not want anything to occur in the closing days of this Congress that will disturb them. I believe that each member of the committee, irrespective of party, was there as a judge, believing he was doing his full duty. We have not sought to play favorites. We have not sought to put one man above another; and yet I have been criticized by gentlemen because I did not do it. I have endeavored to do my duty thoroughly, impartially, and honestly, and the same is true of every member of that committee. We have done the best we could. We submit it to the House. That is all we can do. We will be content with whatever the judgment of the House is upon the question.

Mr. KITCHIN. Mr. Chairman, I was absent from the Hall temporarily; but I understood that the gentleman from New Jersey [Mr. PARKER] asked if these claims had ever been passed upon by the Supreme Court of the United States after they were passed upon by the Court of Claims.

Mr. PRINCE. I do not know that any of them were appealed to the Supreme Court, and I do not know of any adverse decision from the Supreme Court.

Mr. KITCHIN. Is it not a fact that the statute which committed these claims to the Court of Claims forbade an appeal and expressly declared that the findings of that court should be only advisory, and that it should report back its findings to Congress, and therefore by the law itself the Government had no right of appeal to the Supreme Court to test the question whether or not these French spoliation claims were valid? But did not the Supreme Court, on a provision in one of these appropriation bills, go out of its way and say that these appropriations to pay the judgments of the Court of Claims were simply gratuities and gifts by the Government, and that they had no moral obligation upon which to rest? And did not Mr. Cleveland, when he vetoed the first appropriation to pay the findings of the court, state in his veto message what the Supreme Court had declared?

Mr. PRINCE. Let me answer the first question. The law is as the gentleman states. Congress in its wisdom saw fit to pass that kind of a law and have these cases come before it, the findings of the court to be advisory to Congress; but they were to render their findings of facts and their conclusions of law. Thereupon they proceeded to try those cases. They sent men to all quarters of the globe to get information, to get facts. Of 100 cases tried before them, 86 were decided to be without foundation and 14 per cent were allowed.

At the first hearing the Government was not satisfied with its attorneys. It changed attorneys to get others more skillful perhaps and with more enlarged views. The Court of Claims at that time was composed of men who were as good as United States circuit judges. Many days were used in the trial of the cases. The court again heard it, and finally came to the conclusion that certain of these claims were good, and they made their findings of fact and their conclusions of law. Now, are they binding upon this House? Nothing is binding upon this House. We create law. We make and unmake statutes. The Supreme Court construes those statutes. We pass some laws that are unconstitutional. At every session of Congress we are amending some of the laws. Every State legislature is busy amending its statutes. If we made a mistake, then we have not seen fit to correct that mistake up to this moment. Now, Mr. Cleveland did veto that bill—

Mr. KITCHIN. Did not President Pierce veto a bill to pay these claims, too, and did he not make a lengthy argument showing that they were not valid?

Mr. PRINCE. President Pierce vetoed these claims on the ground of expediency, because the country was not large enough at that time.

Mr. KITCHIN. Did he not go into a long argument to show that they were not valid claims against the Government?

Mr. PRINCE. Suppose he did; that was in an earlier day. We have paid \$4,000,000 of them since then. That is the answer.

Mr. KITCHIN. Did not President Polk veto a bill to pay these claims?

Mr. PRINCE. Presidents Pierce, Polk, and Cleveland vetoed them.

Mr. KITCHIN. And yet Presidents Pierce and Polk were 50 years nearer the event, nearer the time when the damages occurred, and President Cleveland was 96 years after the event.

Mr. PRINCE. How much time have I remaining, Mr. Chairman?

The CHAIRMAN. The gentleman has three minutes.

Mr. PRINCE. Very well, I will say a few words more.

Mr. SIMS. Do you want to be notified in two minutes?

Mr. PRINCE. Yes. Now, gentlemen of the House, let us strip this question of all prejudice of any kind. Here is the Court of Claims, constituted of some excellent men on that bench; they have considered these cases, and their advice to us is to pay them. That is all that it is. The committee have acted on their advice in the Senate and it has passed that body. It has come to us. We had no claims of the kind and character to put in there, and therefore we made no amendment. We took the bill as we found it. We have gone over the findings of the Court of Claims, have carefully looked them over, and find they correspond with what, in our judgment, ought to be done with this bill.

Mr. CARLIN. Mr. Chairman, I move that the committee do now rise.

The CHAIRMAN. The gentleman from Illinois has the floor.

Mr. CARLIN. I want to go into the House and close general debate, and if that motion is not made before the hour has expired it will be too late.

Mr. PRINCE. If the gentleman from Virginia wishes to make that motion, he can.

The CHAIRMAN. The gentleman from Illinois is entitled to the floor.

Mr. CARLIN. But he has yielded to me.

Mr. PRINCE. I will yield one minute to the gentleman from Virginia.

Mr. CARLIN. Then, Mr. Chairman, I move that the committee do now rise.

The CHAIRMAN. The question is on the motion of the gentleman from Virginia that the committee do now rise.

The question was taken; and on a division (demanded by Mr. MANN) there were—88 ayes and 23 noes.

So the motion was agreed to.

Accordingly the committee determined to rise; and Mr. OLMSTED having taken the chair as Speaker pro tempore, Mr. CURRIER, Chairman of the Committee of the Whole, reported that that committee had had under consideration bills on the Private Calendar and had come to no resolution thereon.

Mr. MANN. Mr. Speaker, I move that the House do now adjourn.

The question was taken; and on a division (demanded by Mr. MANN) there were—41 ayes and 86 noes.

Mr. MANN. Mr. Speaker, I make the point of order that no quorum is present.

Mr. SIMS. It does not require a quorum to adjourn.

Mr. MANN. I did not make the point of order that there was no quorum voting.

The SPEAKER pro tempore. Evidently no quorum is present. The Doorkeeper will close the doors, the Sergeant at Arms will bring in absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 73, nays 130, answered "present" 17, not voting 164, as follows:

YEAS—73.

| | | | |
|----------------|---------------|-------------------|----------------|
| Alexander, Mo. | Fordney | McLaughlin, Mich. | Scott |
| Andrus | Foster, Ill. | Macon | Shackleford |
| Anthony | Foster, Vt. | Madison | Smith, Iowa |
| Barnard | Graft | Maguire, Nebr. | Snapp |
| Burke, S. Dak. | Graham, Ill. | Mann | Southwick |
| Carter | Hanna | Martin, S. Dak. | Stafford |
| Cassidy | Howell, Utah | Miller, Kans. | Sterling |
| Cooper, Pa. | Hubbard, Iowa | Miller, Minn. | Stevens, Minn. |
| Cullop | Hughes, N. J. | Mondell | Swasey |
| Davidson | Keifer | Morgan, Okla. | Tawney |
| Davis | Kendall | Moxley | Tilson |
| Dawson | Kennedy, Ohio | Needham | Voilestead |
| Denver | Kitchin | Nelson | Vreeland |
| Diekema | Knowland | Norris | Weisse |
| Dwight | Kopp | Olcott | Wiley |
| Englebright | Lawrence | Parker | Woods, Iowa |
| Esch | Lenroot | Pickett | |
| Fairchild | Lindbergh | Reeder | |
| Fitzgerald | Loud | Roberts | |

NAYS—130.

| | | | |
|----------|----------------|----------|------------|
| Adamson | Bartlett, Ga. | Burgess | Calderhead |
| Aiken | Bartlett, Nev. | Burleson | Candler |
| Anderson | Beall, Tex. | Burnett | Cantrill |
| Ashbrook | Bell, Ga. | Butler | Carlin |
| Austin | Brantley | Byrns | Cary |
| Barnhart | Broussard | Calder | Chapman |

| | | | |
|----------------|------------------|-----------------|---------------|
| Clark, Fla. | Grant | Legare | Rucker, Mo. |
| Clark, Mo. | Greene | Lever | Saunders |
| Clayton | Hamlin | Lively | Sheffield |
| Cline | Hammond | Lloyd | Sheppard |
| Cole | Hardy | McHenry | Sherwood |
| Collier | Haugen | McLachlan, Cal. | Sims |
| Cooper, Wis. | Havens | Martin, Colo. | Sisson |
| Cowles | Hay | Massey | Slomp |
| Cox, Ind. | Heflin | Mays | Small |
| Creager | Helm | Mitchell | Smith, Tex. |
| Dent | Henry, Tex. | Moon, Tenn. | Stanley |
| Dickinson | Higgins | Morgan, Mo. | Sulloway |
| Dickson, Miss. | Hobson | Morrison | Taylor, Ala. |
| Dixon, Ind. | Hollingsworth | Morse | Taylor, Colo. |
| Dodds | Houston | Moss | Thistlewood |
| Edwards, Ga. | Hughes, Ga. | Nicholls | Thomas, Ky. |
| Ellerbe | Hull, Tenn. | Oldfield | Thomas, N. C. |
| Estopinal | Humphreys, Miss. | Padgett | Tou Velle |
| Finley | Johnson, S. C. | Page | Townsend |
| Flood, Va. | Jones | Parsons | Underwood |
| Floyd, Ark. | Kinkaid, Nebr. | Pray | Wanger |
| Garner, Tex. | Korbly | Prince | Watkins |
| Garrett | Küstermann | Rainey | Webb |
| Gillespie | Langley | Randell, Tex. | Weeks |
| Godwin | Latta | Richardson | Wickliffe |
| Good | Law | Robinson | |
| Gordon | Lee | Rothermel | |

ANSWERED "PRESENT"—17.

| | | | |
|-----------------|-----------------|------------|--------------|
| Boehne | Gardner, Mass. | Olmsted | Young, Mich. |
| Booher | Glass | Rauch | Young, N. Y. |
| Douglas | Howland | Simmons | |
| Driscoll, D. A. | Hubbard, W. Va. | Sparkman | |
| Edwards, Ky. | McKinney | Steenerson | |

NOT VOTING—164.

| | | | |
|------------------|-----------------|----------------|----------------|
| Adair | Ferris | James | Palmer, A. M. |
| Alexander, N. Y. | Fish | Jamieson | Palmer, H. W. |
| Allen | Focht | Johnson, Ky. | Patterson |
| Ames | Foelker | Johnson, Ohio | Payne |
| Ansberry | Fornes | Joyce | Pearre |
| Barchfeld | Foss | Kahn | Peters |
| Barclay | Fowler | Keliber | Plumley |
| Bartholdt | Fuller | Kennedy, Iowa | Poinexter |
| Bates | Gaines | Kinkaid, N. J. | Pou |
| Bennet, N. Y. | Gallagher | Knap | Pratt |
| Bennett, Ky. | Gardner, Mich. | Krammiller | Pujo |
| Bingham | Gardner, N. J. | Lafean | Ransdell, La. |
| Borland | Garner, Pa. | Lamb | Reid |
| Boutell | Gill, Md. | Langham | Rhinock |
| Bowers | Gill, Mo. | Lindsay | Riordan |
| Bradley | Gillett | Livingston | Roddenbery |
| Burke, Pa. | Goebel | Longworth | Rodenberg |
| Burleigh | Goldfogle | Loudenslager | Rucker, Colo. |
| Byrd | Goulden | Lowden | Sabath |
| Campbell | Graham, Pa. | Lundin | Sharp |
| Capron | Gregg | McCall | Sherley |
| Cocks, N. Y. | Griest | McCreary | Slayden |
| Conry | Guernsey | McCredie | Smith, Cal. |
| Coudrey | Hamer | McDermott | Smith, Mich. |
| Covington | Hamill | McGuire, Okla. | Sperry |
| Cox, Ohio | Hamilton | McKinlay, Cal. | Spight |
| Craig | Hardwick | McKinley, Ill. | Stephens, Tex. |
| Cravens | Harrison | McMorran | Sturgiss |
| Crow | Hawley | Madden | Sulzer |
| Crumacker | Hayes | Malby | Talbot |
| Currier | Heald | Maynard | Taylor, Ohio |
| Dalzell | Henry, Conn. | Millington | Thomas, Ohio |
| Denby | Hill | Moon, Pa. | Turnbull |
| Dies | Hinshaw | Moore, Pa. | Wallace |
| Draper | Hitchcock | Moore, Tex. | Washburn |
| Driscoll, M. E. | Howard | Morehead | Wheeler |
| Dupre | Howell, N. J. | Mudd | Willett |
| Durey | Huff | Murdock | Wilson, Ill. |
| Ellis | Hughes, W. Va. | Murphy | Wilson, Pa. |
| Elvins | Hull, Iowa | Nye | Wood, N. J. |
| Fassett | Humphrey, Wash. | O'Connell | Woodyard |

So the motion to adjourn was rejected.

The Clerk announced the following additional pairs:

Mr. HENRY of Connecticut with Mr. LAMB.

For balance of calendar day, February 18:

Mr. McKINNEY with Mr. BOOHER.

Mr. BARTHOLDT with Mr. TALBOTT.

Until 11 p. m. Saturday:

Mr. HEALD with Mr. DIES.

Until next meeting day of House for business:

Mr. DRAPER with Mr. LIVINGSTON.

Until Monday morning:

Mr. HINSHAW with Mr. BOEHNE.

Until 10 a. m. Monday:

Mr. GAINES with Mr. SHERLEY.

Until Monday noon:

Mr. GARDNER of New Jersey with Mr. BORLAND.

Until further notice:

Mr. SIMMONS with Mr. FERRIS.

Mr. WASHBURN with Mr. TURNBULL.

Mr. TAYLOR of Ohio with Mr. SULZER.

Mr. PEARRE with Mr. STEPHENS of Texas.

Mr. MALBY with Mr. SHARP.

Mr. McKINLEY of Illinois with Mr. RUCKER of Colorado.

Mr. LOUDENSLAGER with Mr. PETERS.

Mr. LAFEAN with Mr. O'CONNELL.

Mr. HAWLEY with Mr. MAYNARD.

Mr. HULL of Iowa with Mr. KELIHER.

Mr. FASSETT with Mr. JAMIESON.

Mr. DALZELL with Mr. HITCHCOCK.

Mr. CURRIER with Mr. DANIEL A. DRISCOLL.

Mr. CRUMPACKER with Mr. SPIGHT.

Mr. BOUTELL with Mr. CRAIG.

Mr. BINGHAM with Mr. COX of Ohio.

Mr. BENNET of New York with Mr. BYRD.

Mr. BARCHFELD with Mr. BOWERS.

Mr. AMES with Mr. ANSBERRY.

Mr. ALEXANDER of New York with Mr. RAUCH.

Mr. MOREHEAD with Mr. POU.

Mr. DOUGLAS. Mr. Speaker, I would like to know how I am recorded.

The SPEAKER pro tempore. In the negative.

Mr. DOUGLAS. Mr. Speaker, I forgot that I was paired. I would like to have my name called.

The name of Mr. DOUGLAS was called, and he answered "Present."

The result of the vote was announced as above recorded.

Mr. PRINCE. Mr. Speaker, I would like to ask if I can agree with my colleague from Illinois or with my colleague on the committee, the gentleman from North Carolina [Mr. KITCHIN], as to the time we will use in general debate.

Mr. KITCHIN. Mr. Speaker, I would like to have at least 30 minutes myself to explain these French spoliation claims. Give us an hour. The gentleman has had half an hour—maybe an hour. Give us an hour on our side.

Mr. MANN. I think we ought to have a little more than an hour.

Mr. MILLER of Kansas. I want half an hour myself.

Mr. PRINCE. Now, let us be fair with one another. We are of age, 21 years and upward. Meet us squarely. What do you really want; what is the least you can take? [Laughter.]

Mr. MANN. Those who wish to do it, at least I do, want a chance to discuss the merits of the different classes of claims in the bill.

Mr. PRINCE. That is not an unreasonable proposition. How much time is desired?

Mr. MANN. I am not able to say. If I have the opportunity I expect to consume very little time in general debate, except by asking questions.

Mr. PRINCE. Let us put it at 45 minutes on a side.

Mr. MANN. Is the gentleman's proposition to give those opposed to the provisions of the bill an hour and a half?

Mr. PRINCE. Let us say an hour.

Mr. MANN. Well, we ought to have more than an hour. The gentleman has already consumed an hour.

Mr. PRINCE. I have.

Mr. SIMS. Give them an hour and a half.

Mr. PRINCE. It was consumed in really answering questions. Well, let us say an hour and a half.

Mr. FITZGERALD. Mr. Speaker, inasmuch as this bill has been expedited so much, I think that we should have a reasonable amount of general debate.

Mr. KITCHIN. Is the time that is now being agreed upon to cover all the bills you have—the Salton Sea bill and—

Mr. PRINCE. Oh, no; just the bill that is now before the committee, S. 7971, and none other. If we go on with other matters, they will stand by themselves. It has nothing to do with those others. I suggest one hour and a half on each side, the time to be controlled by me on this side and by the gentleman from North Carolina [Mr. KITCHIN] upon the other side.

Mr. MANN. The gentleman's position is that he gets two hours and a half and the other people get an hour and a half.

Mr. PRINCE. I will say very frankly to my colleague that I did not expect to talk over five minutes, but the gentleman asked questions and others asked questions—

Mr. MANN. Oh, I am not complaining at all. The gentleman made an excellent impression upon me in his speech. If others had done the same thing, we might have passed the bill.

Mr. PARKER. Mr. Speaker, I desire to ask the gentleman a question.

Mr. PRINCE. I yield to the gentleman from New Jersey.

Mr. PARKER. Whether in the Committee of the Whole there will be an opportunity to consider any of the claims separately, or whether a motion will be made for a substitute to be read as a whole, with no opportunity to take up each claim by itself.

Mr. PRINCE. Well, the only answer I can make to the gentleman is that when we go into the Committee of the Whole the committee can determine its own course.

Mr. PARKER. Does the gentleman intend to move a substitute on the first section, so that there will be no debate on the items of that substitute at all and it will be read as a whole?

Mr. PRINCE. I will yield to my colleague from New York [Mr. LAW] to answer that question.

Mr. LAW. Mr. Speaker, I may perhaps answer the gentleman from New Jersey.

Mr. PARKER. Can the gentleman answer my question? I press for an answer, and my reason is this: I understand that the report of the committee states a certain number of claims as having gone through the Court of Claims and I find, on the other hand, a great many claims are in the bill which are not stated as having gone through the Court of Claims.

Mr. CLAYTON. If the gentleman from New Jersey will permit, the lung capacity of the gentleman from New York was not sufficient for the gentleman to hear him. He was endeavoring to answer your inquiry. I supplement his lack of lung capacity with enough lung power for you to hear what I say, and I assure you that he will answer your question. [Laughter.]

Mr. LAW. Mr. Speaker, I want to thank the gentleman from Alabama for securing for me the attention of the gentleman from New Jersey. It was my endeavor to answer the question which I think is in his mind and to say that when the reading of the first paragraph of the Senate bill is concluded I shall offer as a substitute for that paragraph House bill 32767, reported from the Committee on War Claims, and shall at the same time give notice that if that substitute is adopted I shall move to strike out subsequent paragraphs down as far as the French spoliation claims.

Mr. PARKER. Mr. Speaker, will the gentleman from New York permit a question?

Mr. LAW. Certainly.

Mr. PARKER. On the reading will not the House be deprived entirely of the power to consider any particular claim and have to swallow them as a whole or else reject them as a whole?

Mr. LAW. Mr. Speaker, I do not so understand. I understand if I offer this as a substitute to the first paragraph the substitute itself may be perfected by an amendment.

Mr. CLARK of Missouri. Will the gentleman allow me to ask him a question?

Mr. LAW. Certainly.

Mr. CLARK of Missouri. Is there going to be any chance to move to get rid of these French spoliation claims on their own merits?

Mr. LAW. To that the gentleman from Illinois [Mr. PRINCE] can answer.

Mr. PRINCE. Mr. Speaker, in response to the inquiry of the gentleman from Missouri I will say that the committee has reported to this House a Senate bill with the French spoliation claims stricken out.

Mr. CLARK of Missouri. Are they out now and never can get in anywhere?

Mr. PRINCE. Yes—

Mr. MANN. They are not out yet.

Mr. PRINCE. They are out so far as our committee is concerned. What the Committee of the Whole will do, why, I can not answer truthfully to the gentleman, for I do not know.

Mr. NORRIS. Will the gentleman yield?

Mr. PRINCE. Yes.

Mr. NORRIS. I would like to call the attention of the gentleman from Missouri and ask the gentleman from Illinois if he did not state in general debate that this bill ought not to pass without it included the French spoliation claims?

Mr. PRINCE. I so stated, and I state it again, in my judgment.

Mr. NORRIS. Then will not this be the result if it is enacted into law, that it will have those claims in?

Mr. CLARK of Missouri. I am not interested at all in the opinion of the gentleman from Illinois—

A MEMBER. He will be on the conference committee.

Mr. CLARK of Missouri. But I am interested in knowing whether we are going to get a crack at these spoliation claims in the way of amendment or striking them out.

Mr. PRINCE. I have answered the gentleman that he will get a crack at them.

Mr. NORRIS. But they are going to go on in conference—everybody understands they will go in the conference report.

Mr. CLAYTON. Mr. Speaker, I desire to ask the gentleman from Illinois [Mr. PRINCE] a question.

The SPEAKER pro tempore. Will the gentleman from Illinois yield?

Mr. PRINCE. I yield.

Mr. CLAYTON. I wish to know if it is not true that one of the propositions to be brought before the House in the consideration of this measure is a proposition to strike out all the French spoliation claims by amendment.

Mr. PRINCE. I will state that when we get into the committee the first move will be to take up, if there are any, the committee amendments, and the committee has recommended that the French spoliation portion of it be stricken out.

Mr. MANN. He is perfectly frank about that. The bill will be read for amendment, and the committee amendments will come up as they are reached in order in the bill. That will be after the war-claims matter has been disposed of, so that it will not come up the first thing.

Mr. PRINCE. The first thing will be the reading of the bill, and the first will be pertaining to war claims, next spoliation claims, the next overtime navy-yard claims, and then miscellaneous claims.

Mr. THOMAS of North Carolina. Will the gentleman yield to me?

Mr. PRINCE. I will.

Mr. THOMAS of North Carolina. You will offer an amendment at the proper time to strike out, as your committee has recommended, the French spoliation claims?

Mr. PRINCE. I am directed by the committee to do that.

Mr. THOMAS of North Carolina. Exactly. And every Member of this House will have an opportunity to vote just as he pleases on striking out the French spoliation claims?

Mr. MANN. If we get that far along.

Mr. TILSON. May I ask a question?

Mr. PRINCE. Yes, sir.

Mr. TILSON. Can not each one of these French spoliation claims be presented as an amendment to this bill, and demand consideration on its merits and be considered separate and alone?

Mr. BUTLER. They are separate items.

Mr. TILSON. I would like to know from the chairman.

Mr. PRINCE. I am going to ask that the committee amendments be presented to the House. I presume any Member has the right to amend the committee amendments as he sees fit.

Mr. TILSON. As to all those to be stricken out by the committee amendment, and all of those to be stricken out en bloc, can one of those be taken and offered by an amendment, and if the House so choose, put it in again?

Mr. PRINCE. That is for the Chair to rule and not for me. [Cries of "Regular order!"]

Mr. KITCHIN. Mr. Speaker, I would like to ask the gentleman a question.

Mr. PRINCE. Yes.

Mr. KITCHIN. A few moments ago you stated to the House, when it was in the Committee of the Whole, that these war claims will never become a law or will never pass this House unless these French spoliation claims are put in.

Mr. PRINCE. No.

Mr. KITCHIN. What did you say about that?

Mr. PRINCE. I said it was my judgment that if the proponents of this bill wanted to pass it that they better include in it the French spoliation claims. I have no right to tell what I may guess at, but I am only giving you my best judgment as a member of the Committee on Claims.

Mr. MANN. And with 16 years of experience in the House.

Mr. KITCHIN. In your opinion, as chairman of this committee, having had charge of this bill, if gentlemen who want to get the war claims through will consent to vote for the French spoliation claims the bill will go through?

Mr. PRINCE. I am not asking the gentleman to consent. Every man must use his own judgment; but there is such a thing as obtaining legislation and there is such a thing as not obtaining legislation.

Mr. MANN. There might be such a thing as reciprocity by a vote here the other day.

Mr. CLAYTON. There are two sides to the Equator.

Mr. PRINCE. Yes, sir. Now, Mr. Chairman, I renew my motion that debate be limited in Committee of the Whole to one hour and a half on each side, one half of the time to be controlled by the gentleman from North Carolina [Mr. KITCHIN] and the other half to be controlled by myself, and upon that motion I ask the previous question.

Mr. MANN. Has the gentleman made his motion to go into the Committee of the Whole?

Mr. PRINCE. I move to go into Committee of the Whole.

Mr. MANN. And, pending that, he makes another motion.

Mr. PRINCE. And, pending this motion, I move the previous question. Now, I ask unanimous consent that the question be considered as ordered.

Mr. MANN. There is no previous question on that.

Mr. PRINCE. Mr. Speaker, I ask unanimous consent that the time of debate be limited to one hour and a half on each side.

Mr. MANN. I suggest, Mr. Speaker, that the gentleman make a motion first that the House resolve itself into the Committee of the Whole House for the consideration of private business on the calendar.

Mr. PRINCE. I have already done that, I may say to my colleague.

Mr. MANN. I do not think the Chair understood it.

The SPEAKER pro tempore. As the Chair understands it, the gentleman from Illinois [Mr. PRINCE] moves that the House resolve itself into Committee of the Whole House for the consideration of business on the Private Calendar; and, pending that, he asks unanimous consent—to do what?

Mr. PRINCE. That the debate on the bill (S. 7971) for the allowance of certain claims reported by the Court of Claims, and for other purposes, be limited to three hours, one hour and a half to be controlled by the gentleman from North Carolina [Mr. KITCHIN] and one hour and a half to be controlled by myself.

The SPEAKER pro tempore. The gentleman from Illinois [Mr. PRINCE] moves that debate on the Senate bill 7971 be limited to three hours, one half of the time to be controlled by the gentleman from North Carolina [Mr. KITCHIN] and the other half to be controlled by himself. Is there objection? [After a pause.] The Chair hears none.

The question now is on the motion of the gentleman from Illinois [Mr. PRINCE] that the House resolve itself into Committee of the Whole House for the consideration of bills upon the Private Calendar.

The question was taken, and the motion was agreed to.

Accordingly the House resolved itself into Committee of the Whole House for the further consideration of bills on the Private Calendar, Mr. CURRIER in the chair.

The CHAIRMAN. The House is in Committee of the Whole House for the consideration of bills on the Private Calendar. General debate on the unfinished business, which is Senate bill 7971, is, by unanimous consent, limited to three hours, one half to be consumed by the gentleman from Illinois [Mr. PRINCE] and the other half by the gentleman from North Carolina [Mr. KITCHIN]. The Chair recognizes the gentleman from Illinois [Mr. PRINCE].

Mr. PRINCE. Mr. Chairman, I understand that one of our Members here desires to go elsewhere for a short time, and I will ask that my colleague [Mr. KITCHIN] use some of his time first in order to accommodate him.

Mr. KITCHIN. Mr. Chairman, I yield 10 minutes to the gentleman from New Jersey [Mr. PARKER].

The CHAIRMAN. The gentleman from North Carolina [Mr. KITCHIN] yields 10 minutes to the gentleman from New Jersey [Mr. PARKER].

Mr. PARKER. Mr. Chairman, I have never expected to speak upon a general claims bill. It was years ago that my attention was drawn to the class of claims called the French spoliation claims, and it was especially drawn to these claims because many of my friends and relatives claimed an interest in them and insisted that they had been very badly treated by the United States. Under those circumstances I gave the matter study. I am sorry to say that a very vigorous search at my house last night failed to produce the documents and the reports from this House that I desired on this subject, and therefore in what I shall now say I shall have to speak from memory; but my knowledge of the subject was so vivid that I have no hesitation in stating what I do as being so.

Mr. PRINCE. If the gentleman will be kind enough to tell me of the names of the persons who made the reports, perhaps I can find them for him.

Mr. PARKER. I do not recall the names. There were several reports. Mr. Henderson, of Iowa, made one. At one time I had quite a number of them in my hands. The whole foundation of these claims is in the theory that American vessels and cargoes were captured in time of peace. In my opinion it was a time of war.

It seems that from the year 1796 to the year 1800 the relations between the United States and France became very acute. We had agreed by a treaty made in 1778, or perhaps in 1788, to aid the French forces if they got into a war with Great Britain. But the old French Government was gone; a revolution was in progress, and the question was whether we desired to aid the French Revolution.

We refused that aid, and as a result, as between different orders and decrees in England and France, all vessels of the United States trading with either of those countries were seized. We became especially involved with France, and in July, 1798, we passed two separate acts of Congress, which were not in terms declarations of war, because they were not for war both by land and sea, but they were acts which, taken together,

ordered that every French vessel found upon the sea should be captured, brought in, and condemned. We carried on a naval war to which Maclay in his history of the Navy of the United States devotes a hundred pages, heading it "Vigorous Naval War on France," and glorifying the American Navy for its capture of French frigates and smaller vessels, and its battles with the armed forces of France. We brought in several hundred prizes. We sent convoys with our ships to Cuba. Our vessels were captured by French men of war and privateers, and were condemned. Then in the year 1800 our envoys met the great Napoleon, and the question came up not merely as to what should be done with reference to Louisiana, of which he offered us the purchase, but as to these captures. We said, "If there has been peace and not war, France ought to pay us for our vessels which you have taken." And he said, "If there has been peace and not war, we retain these old treaties." The first draft of the convention provided that these two matters should be left in abeyance. The Senate of the United States said, "No; we will have nothing to do with those old treaties or keeping those matters in abeyance," and thereupon Napoleon accepted the treaty, striking out that clause, agreeing that the new treaty should last only eight years, and expressly providing that all claims should be retrenched.

The preliminary conversation is given very particularly in one of these reports. The negotiations were mostly with deputies, but a conversation with Napoleon himself is given. When our commissioners wanted those treaties to be denounced and put an end to and to be paid for our vessels, he said: "Gentlemen, was it war or was it peace? If it was peace, the treaties remain and I pay you for your vessels. If it was war, the treaties, of course, are gone, but I pay nothing for your vessels, because they were captured in time of war." The commissioners replied that we can not agree that the treaties shall remain, and he said, "Then I can not pay the claims." Now, this was no bargain to set the treaties off against the claims; it was a simple admission of the fact that there had been a state of war. It was nothing else but a state of war. Our vessels were receiving war freights, war rates of insurance were being paid, convoys were taking our vessels down to Cuba and other places in the West Indies, men were taking the chance of great profit by taking war risks, and there was no claim by either against the other side for acts of war. Can anybody maintain that it was peace, when the frigates of the two nations were meeting and capturing one another, and when they captured every French or American vessel that they could find?

Now, Mr. Chairman, when I had read that matter and came to the equity of the case I concluded that neither the insurers nor the insured, who received war rates and war freights and took war risks, had any claim against France while a naval war was going on. There was, therefore, no claim against France, and when the United States said, "Those treaties are gone," they declared that they were gone because an actual state of war had existed.

Committee after committee have held this in this House. Some great men have held the other way, on some technical theory that war must be both by sea and land. Drake's war was by sea only; it was none the less war. Some good men have been confused by a subsequent treaty of 1831, which has no reference to these claims, but to subsequent claims, coming after 1800. Some others have been confused, as many of my friends have been, by the fact that their friends and ancestors were interested in these claims. I have known of one man who had \$300,000 worth of ships sailing from Philadelphia when these difficulties began, and in 1800 he was a bankrupt. I have near friends who are interested in these matters, but it was a war, the claims arose from the war, and are no claim at all. It is well acknowledged by all law that when peace is made after war there is no claim against the other side for what damage was done during the war, and there was therefore nothing to be shifted over to the United States of America.

I believe that is all I have to say.

Mr. PARSONS. Will the gentleman yield for a question?

Mr. PARKER. Yes.

Mr. PARSONS. By section 3 of the act giving the Court of Claims jurisdiction of these French spoliation claims, it is provided:

That the court shall examine and determine the validity and amount of all the claims included within the description above mentioned, together with their present ownership, and, if by assignee, the date of the assignment, with the consideration paid therefor: *Provided*, That in the course of their proceedings they shall receive all suitable testimony on oath or affirmation, and all other proper evidence, historic and documentary, concerning the same; and they shall decide upon the validity of said claims according to the rules of law, municipal and international, and the treaties of the United States applicable to the same, and shall report all such conclusions of fact and law as in their judgment may affect the liability of the United States therefor.

Now, Congress having given the court jurisdiction over these claims, with instructions to find their validity and amount, does the gentleman from New Jersey contend that we ought not to be amenable to the conclusions of the court, but set up our own opinion as to what the law was?

Mr. PARKER. I would say no, for I think there ought to be provision for an appeal to the Supreme Court. Now I am done with that matter. The rest of this bill worries me. It is a fact that I can not find in the reports any specific facts or report with reference to the different claims in this bill. I can not find them in any report of this session. I find very numerous claims, and quite a number are said to have gone through the Court of Claims, but they are a very small fraction of the whole number in the bill.

Mr. PRINCE. I wish to say to my friend that every claim in this bill, from beginning to end, has been passed upon by the Court of Claims.

Mr. PARKER. It does not state so in the report, nor does it give any information as to where they are.

Mr. PRINCE. It took a week to get all of these findings.

Mr. PARKER. There is mighty little information in it.

Mr. PRINCE. It took days and days to get the information.

Mr. PARKER. True; but is there any information before the House as to these particular claims? I can not find them.

Mr. PRINCE. The committee has stricken out all of these claims.

Mr. PARKER. I am now talking of the others, not of French spoliation. I can find no information as to what these claims are.

Mr. PRINCE. If the gentleman will be kind enough to examine Report No. 2148—

Mr. PARKER. I have read it.

Mr. PRINCE. The gentleman will see it gives the Congress, the session, and the Senate document—

Mr. PARKER. This begins with California, and then there is a whole lot of claims under Alabama—

Mr. PRINCE. Oh, I have nothing to do with the war claims.

Mr. PARKER. I am talking about the war claims. I can not find any report before the House that covers these war claims.

Mr. PRINCE. I will refer the gentleman from New Jersey to the gentleman from New York [Mr. LAW]. Mr. Chairman, I reserve the balance of my time, and I yield 15 minutes to the gentleman from New York [Mr. LAW].

Mr. LAW. Mr. Chairman, as has been intimated in the discussion here to-day, one of the principal difficulties in the way of passing omnibus claims bills in the past has been that in the Senate one committee exercises jurisdiction exercised by two or more committees in the House. The last omnibus claims bill was enacted into law in the Fifty-eighth Congress. An omnibus bill was introduced and passed in the House in the Sixtieth Congress, and I believe one in the Fifty-ninth Congress, and were subsequently passed by the Senate with many amendments, but never passed the House thereafter.

As has also been intimated here to-day, the general custom heretofore has been for the omnibus bills to originate in the Committee on War Claims of the House. As an example, in the Sixtieth Congress an omnibus claims bill was reported by the Committee on War Claims and passed the House, I believe, without much objection. It contained, of course, war claims only. It contained only such matters as the Committee on War Claims had jurisdiction over. It went to the Senate, was referred to the Senate Committee on Claims, and subsequently reported back, and the Senate passed the bill largely amended, so as to contain a number of classes of claims such as French spoliation claims, overtime claims, and other classes of claims over which the Committee on War Claims in the House had no jurisdiction. Consequently, when the bill came to the House it met this situation, that while the House had had an opportunity to consider the war claims in the bill, and to consider them item by item, the House was given no opportunity to act under that arrangement upon the Senate amendments and had no opportunity to consider the other classes of claims which had been put in by the Senate, except in conference through its conferees.

Mr. MANN. I think the gentleman from New York is slightly in error. The bill was referred to the Committee on War Claims, and had to come back and go through the regular course in Committee of the Whole.

Mr. LAW. Yes; but it came back from the Senate so late that the practical effect of its being loaded up with the other class of claims in the Senate was to kill the bill.

Mr. MANN. Undoubtedly. Would the gentleman from New York answer one question?

Mr. LAW. Yes.

Mr. MANN. The bill went through the House without opposition to any extent. I tried to get a statement that it should go through the House and the Senate without opposition. Now will the gentleman say, as to the bill reported from his committee as compared with the bill at that time—

Mr. LAW. The Haskins bill?

Mr. MANN. The Haskins bill—what character of items or how many items this bill includes that were not included in the Haskins bill?

Mr. LAW. I do not know that I could give the exact number, but I will say this much, which I think would be a general reply: In making up this bill, so far as the House Court of Claims findings were concerned, we did not rely upon the action of the Committee on War Claims of the House of the Sixtieth Congress. Every one of the items which were in the bill in the Sixtieth Congress, as it passed the House, were scrutinized by the committee of the Sixty-first Congress, and I believe some of the claims that were in the bill in the Sixtieth Congress, as it passed the House, have been eliminated in the present bill, and then we added all such House findings that were transmitted to the House since that bill as, in our judgment, presented a proper claim against the Government of the United States.

Mr. MANN. If the gentleman will pardon me a little further, the Senate bill contains 47 pages of war claims.

Mr. LAW. Yes.

Mr. MANN. The bill reported from the gentleman's committee contains 100 pages of war claims.

Mr. LAW. Yes.

Mr. MANN. Are any of those duplicates, or is it the proposition that the 100 pages of war claims be added to the 47 pages of the Senate bill?

Mr. LAW. I will say to the gentleman from Illinois I have discovered there was a printer's error by which a duplication did occur at pages 81 and 82 of the House bill.

Mr. MANN. I am not asking about that, but as to whether the proposition now is to add the claims that are in the House bill to the claims that are in the Senate bill.

Mr. LAW. The proposition is to add the House findings to such of the items as are in the Senate bill as the Committee on War Claims approved.

Mr. MANN. How many of the Senate claims have been cut out? Of course, they have not been cut out yet.

Mr. LAW. No—are not contained in the House bill?

Mr. MANN. Are all the Senate claim bills the gentleman approves of contained in the House bill?

Mr. LAW. All that we approve, but not all that are in the Senate bill.

Mr. MANN. How many pages of the Senate bill, if the gentleman has an estimate of the Senate war claims, are included in the House bill?

Mr. LAW. How many pages?

Mr. MANN. Yes.

Mr. LAW. I could give the information better in another way. I can tell the gentleman the exact amount that is in the Senate bill which has been eliminated by the House.

Mr. MANN. I do not ask the gentleman to give it if he does not happen to have it, but to me it would be more explicit to know the number of pages. The amount might be one single claim.

Mr. LAW. I would hesitate to try to give the number of pages, but I can say that the amount in the Senate bill that has been cut out by the War Claims Committee is \$287,473.55.

Mr. MANN. What proportion does the gentleman think that would be to the Senate claims?

Mr. LAW. The total war claims contained in the Senate bill is \$947,679.12.

Mr. MANN. Now, the other claims in the Senate bill which the gentleman's committee has approved and put in his bill the committee has gone over, and is the gentleman himself prepared to say that those claims in his judgment ought to be paid?

Mr. LAW. Absolutely.

Mr. MANN. And were examined by the gentleman?

Mr. LAW. I want to say in reply to the gentleman from Illinois that there are included in the House bill, which embraces those of the Senate claims which we approved of and our own claims, in the neighborhood of 2,250 court findings.

Mr. MANN. In the House bill?

Mr. LAW. I will have to correct that statement. The findings, including the Senate findings that are in the Senate bill, including all of the House findings which we have either included or rejected, are something like 2,250. I personally examined every single one of them with a great deal of care. Some of them I have examined a good many times.

Mr. MANN. Is the gentleman able to say how many findings have been rejected by the gentleman?

Mr. LAW. I could not give the exact number.

Mr. MANN. I understood the gentleman to say he had approved 2,200.

Mr. LAW. I am informed by the clerk of the committee that something like eighty-odd have been rejected among the House findings. Now, Mr. Chairman, for the reasons which I have already explained, this year the Committee on War Claims adopted a different method and declined to report any bill until the Senate had taken action.

The Senate committee was so notified, and finally did pass the present omnibus bill. It contained matter, of course, over which both committees of the House had jurisdiction, but there was a little more matter in it over which the Committee on Claims had jurisdiction than over which the War Claims Committee had jurisdiction; consequently it was referred to the Committee on Claims frankly with the expectation that when they had reported on everything in the bill except war claims it would be then referred to the Committee on War Claims, so that we might perfect that portion of the Senate bill.

Mr. AUSTIN. May I interrupt the gentleman to ask a question?

Mr. LAW. Certainly.

Mr. AUSTIN. How long has it been since Congress appropriated money to pay for war claims certified by the Court of Claims?

Mr. GARDNER of Massachusetts. Mr. Chairman, I make the point of order that there is no quorum present.

Mr. AUSTIN. Mr. Chairman, I suggest that the gentleman withdraw that until I get an answer.

Mr. LAW. I hope the gentleman will not insist upon his point of order.

The CHAIRMAN. The gentleman from Massachusetts makes the point of order that there is no quorum present.

Mr. HEFLIN. Mr. Chairman, I trust the gentleman will not insist upon his point of order, as many Members on both sides of the House have gone to get something to eat and will soon return. I trust the gentleman will withdraw his point of order.

Mr. GARDNER of Massachusetts. I will withdraw the point of order temporarily.

The CHAIRMAN. The point of order is temporarily withdrawn.

Mr. AUSTIN. Mr. Chairman, I desire to ask the gentleman from New York having this war-claims bill in charge how long it has been since Congress has appropriated money to pay for war claims that have been reported from the Court of Claims.

Mr. LAW. Fifty-eighth Congress; February 24, 1905.

Mr. AUSTIN. Five years.

Mr. KENDALL. Can the gentleman inform me why these claims were not adjudicated in that Congress?

Mr. MACON. Mr. Speaker, I make the point of order that no quorum is present.

Mr. LAW. Oh, because—

Mr. MACON. Members go out to suit their pleasure and some of the rest of us would want to go and get something to eat.

Mr. KENDALL. Mr. Chairman, I hope the gentleman will withdraw his point of order until the gentleman from New York can reply to my question.

Mr. MACON. I think we had better have an audience here.

The CHAIRMAN. The gentleman from Arkansas is clearly within his constitutional rights. Everybody is proceeding by unanimous consent; the regular order has not been demanded. [Cries of "Regular order!"]

The CHAIRMAN. Regular order is demanded.

Mr. KENDALL. Is not the regular order the disposition of the motion of the gentleman from Arkansas?

The CHAIRMAN. The Chair was just about to state it.

Mr. BARTLETT of Georgia. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. BARTLETT of Georgia. Was not the gentleman from New York on his feet addressing the Chair and the committee?

The CHAIRMAN. Yes; but the gentleman from New York is entitled to have a quorum present to hear him.

Mr. BARTLETT of Georgia. The gentleman from New York could not be taken from the floor by a point of no quorum without his yielding.

Mr. MACON. The Chair had the right to do so.

Mr. BARTLETT of Georgia. It was a very rude piece of business.

Mr. HEFLIN. I submit to the committee that Members went away from here under the impression that the point of no quorum would not be made until they could eat.

The CHAIRMAN. Regular order has been demanded, and the Chairman must deal with the point of order made by the gentleman from Arkansas [Mr. MACON].

Mr. BARTLETT of Georgia. The gentleman from New York [Mr. LAW] has the floor and should continue his address.

The CHAIRMAN. The gentleman was taken from the floor by the point of order.

Mr. MACON. If the gentleman will not make a point of order, I will not make it now.

Mr. MANN. I will not make any agreement.

Mr. MACON. Some of the rest of us want to get something to eat, and if they will not agree to not insist on the point of order the moment some of the rest of us step out of the House, I will insist on it now.

The CHAIRMAN. Can the Chair have the attention of the gentleman from Arkansas [Mr. MACON]?

Mr. MACON. Certainly.

The CHAIRMAN. Does the gentleman make the point of order that no quorum is present?

Mr. MACON. I made it some time ago.

The CHAIRMAN. The Chair will count.

Mr. CLAYTON. There is no use of counting, Mr. Chairman. It is evident a quorum is not here.

The CHAIRMAN. The Chair will count. [After counting.] Forty-one gentlemen are present—not a quorum. The roll will be called.

Mr. MANN. I move that the committee do now rise.

The CHAIRMAN. The gentleman from Illinois [Mr. MANN] moves that the committee do now rise.

The question was taken, and the motion was rejected.

The CHAIRMAN. The Clerk will call the roll under the rule.

The roll was called, and the following Members failed to answer to their names:

| | | | |
|------------------|-----------------|-------------------|------------------|
| Alken | Elvins | Kelher | Plumley |
| Alexander, Mo. | Esch | Kennedy, Iowa | Poindexter |
| Alexander, N. Y. | Estopinal | Kennedy, Ohio | Pou |
| Allen | Fairchild | Kinkaid, Nebr. | Pratt |
| Ames | Fassett | Kinkaid, N. J. | Pujo |
| Anderson | Fish | Knapp | Rainey |
| Andrus | Fitzgerald | Knowland | Ransdell, La. |
| Ansberry | Focht | Kopp | Reeder |
| Ashbrook | Foelker | Korbly | Reid |
| Barchfeld | Fordney | Kronmiller | Rhinock |
| Barclay | Fornes | Küstermann | Richardson |
| Barnard | Foss | Lafean | Riordan |
| Barnhart | Foster, Ill. | Lamb | Roberts |
| Bartholdt | Foster, Vt. | Laugham | Roddenberry |
| Bartlett, Nev. | Fowler | Langley | Rodenberg |
| Bates | Fuller | Lawrence | Rothermel |
| Beall, Tex. | Gaines | Legare | Rucker, Colo. |
| Bell, Ga. | Gallagher | Lenroot | Rucker, Mo. |
| Bennet, N. Y. | Gardner, Mich. | Lindsay | Sabath |
| Bennett, Ky. | Gardner, N. J. | Livingston | Saunders |
| Bingham | Garner, Pa. | Lloyd | Scott |
| Boehne | Gill, Md. | Longworth | Shackelford |
| Borland | Gill, Mo. | Loudenslager | Sheffield |
| Boutell | Gillespie | Lowden | Sherley |
| Bowers | Gillett | Lundin | Sherwood |
| Bradley | Goebel | McCall | Simmons |
| Burgess | Goldfogle | McCreary | Sisson |
| Burke, Pa. | Good | McCredie | Slayden |
| Burke, S. Dak. | Goulden | McDermott | Small |
| Burleigh | Graff | McGuire, Okla. | Smith, Cal. |
| Burleson | Graham, Ill. | McKinlay, Cal. | Smith, Iowa |
| Burnett | Graham, Pa. | McKinley, Ill. | Smith, Mich. |
| Calder | Greene | McKinney | Smith, Tex. |
| Calderhead | Gregg | McLachlan, Cal. | Snapp |
| Campbell | Griest | McLaughlin, Mich. | Sperry |
| Cantrill | Guernsey | McMorran | Stafford |
| Capron | Hamer | Madden | Stanley |
| Carter | Hamill | Madison | Steenerson |
| Cassidy | Hamilton | Malby | Steenerson, Tex. |
| Clark, Fla. | Hammond | Mann | Sterling |
| Clark, Mo. | Hanna | Martin, Colo. | Stevens, Minn. |
| Cline | Hardwick | Martin, S. Dak. | Sturgiss |
| Cocks, N. Y. | Hardy | Maynard | Sulzer |
| Conry | Harrison | Miller, Minn. | Talbott |
| Cooper, Pa. | Haugen | Millington | Tawney |
| Cooper, Wis. | Havens | Moon, Pa. | Taylor, Ala. |
| Coudrey | Hawley | Moon, Tenn. | Taylor, Colo. |
| Covington | Hays | Moore, Pa. | Taylor, Ohio |
| Cox, Ind. | Heald | Moore, Tex. | Thistlewood |
| Cox, Ohio | Henry, Conn. | Morgan, Mo. | Thomas, Ky. |
| Craig | Higgins | Morgan, Okla. | Thomas, Ohio |
| Cravens | Hill | Morse | Tilson |
| Crow | Hinshaw | Moss | Townsend |
| Crumpacker | Hitchcock | Moxley | Underwood |
| Cullop | Hobson | Mudd | Vreeland |
| Dalzell | Houston | Murdock | Wallace |
| Davidson | Howard | Murphy | Wanger |
| Davis | Howell, N. J. | Needham | Washburn |
| Dawson | Howland | Nelson | Watkins |
| Denby | Hubbard, Iowa | Nicholls | Webb |
| Dent | Hubbard, W. Va. | Nye | Weeks |
| Denver | Huff | Olcott | Weisse |
| Dickinson | Hughes, Ga. | Padgett | Wheeler |
| Dickson, Miss. | Hughes, W. Va. | Page | Wiley |
| Diekema | Hull, Iowa | Palmer, A. M. | Willett |
| Dies | Humphrey, Wash. | Palmer, H. W. | Wilson, Ill. |
| Dodds | James | Parker | Wilson, Pa. |
| Douglas | Johnson, Ky. | Parsons | Wood, N. J. |
| Draper | Johnson, Ohio | Patterson | Woods, Iowa |
| Dupre | Johnson, S. C. | Payne | Woodyard |
| Durey | Joyce | Pearre | Young, Mich. |
| Dwight | Kahn | Peters | Young, N. Y. |
| Ellis | Kelfer | Pickett | |

Mr. CLAYTON. Mr. Chairman, I ask unanimous consent, in view of the fact that we are consuming time unnecessarily, to vacate the order for the roll call.

The CHAIRMAN. The gentleman from Alabama [Mr. CLAYTON] asks unanimous consent to vacate the order for the roll call.

Mr. MACON. Mr. Chairman, if the Chair will allow me to join him in that, I will be glad.

The CHAIRMAN. The Chair will say he doubts whether he can submit that request for unanimous consent, for the reason that the Chair has already declared, as it will appear in the Record, that there is no quorum present.

Mr. KENDALL. The Chair could say that obviously a quorum is not present.

Mr. MANN. I object.

Mr. CARLIN. It is too late for the gentleman to object.

The CHAIRMAN. It would be very difficult to find a method by which the Chair could vacate the order, inasmuch as the Chair has counted and found no quorum present.

Mr. CARLIN rose.

The CHAIRMAN. For what purpose does the gentleman from Virginia rise?

Mr. CARLIN. I rise to suggest to the Chair that it is perfectly apparent now that a quorum is present, and—

The CHAIRMAN. Under the rule, that can only be determined by calling the roll.

Mr. CARLIN. I had not finished what I was going to say. I was going to say that, inasmuch as both the gentleman from Illinois [Mr. MANN] and the gentleman from Arkansas [Mr. MACON] have left the House, perhaps we might get unanimous consent to vacate the order.

The CHAIRMAN. The Chair will say, as he said before, that, having called for a quorum and finding a quorum wanting, he can not submit that request.

Mr. PRINCE. Mr. Chairman, I ask for the regular order.

The CHAIRMAN. The committee will rise under the rule, and the gentleman from Pennsylvania [Mr. OLMSTED] will take the chair.

Mr. OLMSTED resumed the chair as Speaker pro tempore.

Mr. GARDNER of Massachusetts. Mr. Speaker, I move that the House do now adjourn.

Mr. CURRIER. Mr. Speaker, the Committee of the Whole House, that has under consideration bills on the Private Calendar, finding itself without a quorum, a roll was called under the rule, and I herewith report the list of absentees.

The SPEAKER pro tempore. The Chairman of the Committee of the Whole House [Mr. CURRIER] reports that that committee, having under consideration bills on the Private Calendar, found itself without a quorum and proceeded to a roll call in pursuance of the rule, and he now reports the list of absentees. The roll call discloses 88 Members present—not a quorum.

Mr. GARDNER of Massachusetts. Mr. Speaker, I move that the House do now adjourn.

The SPEAKER pro tempore. The gentleman from Massachusetts [Mr. GARDNER] moves that the House do now adjourn.

The question was taken; and on a division (demanded by Mr. KENDALL) there were—ayes 7, noes 33.

So the motion was rejected.

Mr. GARDNER of Massachusetts. Mr. Speaker, I make the point of order that no quorum is present.

Mr. BARTLETT of Georgia. Mr. Speaker, it is not necessary to have a quorum in order to adjourn.

Mr. BUTLER. The House refuses to adjourn. There are only 88 men here.

The SPEAKER pro tempore. The Chair will state to the gentleman from Massachusetts [Mr. GARDNER] that it has already been announced from the Chair that there is no quorum present.

Mr. CARLIN. Mr. Speaker, I want to move that the doors be closed and that the Speaker direct the Sergeant at Arms to bring in absentees.

The SPEAKER pro tempore. No call of the House has been moved as yet.

Mr. CARLIN. Mr. Speaker, I move a call of the House.

The SPEAKER pro tempore. The gentleman from Virginia [Mr. CARLIN] moves a call of the House.

The question was taken, and the motion was agreed to.

Mr. CARLIN. Mr. Speaker, I think that automatically it becomes the duty of the Speaker to direct the Sergeant at Arms to bring in absent Members. A parliamentary inquiry, Mr. Speaker.

The SPEAKER pro tempore. The gentleman from Virginia will state it.

Mr. CARLIN. I desire to know whether it becomes the duty of the Speaker now to order the Sergeant at Arms to bring in absentees. If it is in order, I now move that that be done.

The SPEAKER pro tempore. That is not in order at this stage of the proceedings. The doors will be closed and the Clerk will call the roll.

The Clerk proceeded to call the roll, when the following Members failed to answer to their names:

| | | | |
|-----------------|-----------------|-------------------|---------------|
| Allen | Gaines | Knapp | Ransdell, La. |
| Ames | Gallagher | Knowland | Reeder |
| Andrus | Gardner, Mich. | Kronmiller | Reid |
| Barchfeld | Gardner, N. J. | Lafean | Rhinock |
| Barclay | Garner, Pa. | Lawrence | Rlordan |
| Bartholdt | Gill, Md. | Lindsay | Roberts |
| Bates | Gill, Mo. | Livingston | Roddenberry |
| Bennett, Ky. | Gillett | Longworth | Rodenberg |
| Bingham | Goldfogle | Loudenslager | Rucker, Colo. |
| Boehne | Good | Lowden | Sabath |
| Boutell | Graham, Pa. | Lundin | Scott |
| Bowers | Greene | McCall | Sheffield |
| Bradley | Gregg | McCreary | Sherley |
| Burke, Pa. | Griest | McDermott | Slayden |
| Burleigh | Guernsey | McGuire, Okla. | Slemp |
| Burleson | Hamer | McKinlay, Cal. | Small |
| Capron | Hamill | McKinney | Smith, Cal. |
| Cassidy | Hamilton | McLaughlin, Mich. | Smith, Iowa |
| Cocks, N. Y. | Hanna | McMorrin | Smith, Mich. |
| Conry | Hardwick | Madden | Smith, Tex. |
| Cooper, Pa. | Haugen | Madison | Southwick |
| Cooper, Wis. | Havens | Maynard | Sperry |
| Coudrey | Hayes | Miller, Minn. | Stafford |
| Covington | Heald | Millington | Sturgiss |
| Cox, Ohio | Henry, Conn. | Moon, Pa. | Sulzer |
| Craig | Higgins | Moore, Pa. | Talbott |
| Cravens | Hinshaw | Moore, Tex. | Tawney |
| Crow | Hitchcock | Morehead | Taylor, Ala. |
| Crumpacker | Howard | Morgan, Okla. | Taylor, Colo. |
| Dalzell | Howell, N. J. | Morse | Taylor, Ohio |
| Denby | Hubbard, W. Va. | Moxley | Thomas, Ohio |
| Dies | Huff | Mudd | Tilson |
| Douglas | Hughes, W. Va. | Murdoch | Townsend |
| Driscoll, D. A. | Hull, Iowa | Murphy | Wallace |
| Dupre | Humphrey, Wash. | Nelson | Wanger |
| Ellis | James | Nye | Washburn |
| Elvins | Johnson, Ky. | Ocott | Webb |
| Fairchild | Johnson, Ohio | Palmer, A. M. | Weeks |
| Fassett | Joyce | Palmer, H. W. | Wheeler |
| Fish | Kahn | Parker | Wiley |
| Foelker | Kelifer | Patterson | Wilson, Ill. |
| Fornes | Kelther | Payne | Wilson, Pa. |
| Foss | Kennedy, Iowa | Pearre | Wood, N. J. |
| Foster, Vt. | Kennedy, Ohio | Plumley | Woodyard |
| Fowler | Kinkaid, Nebr. | Poindexter | Young, Mich. |
| Fuller | Kinkaid, N. J. | Pou | |

Pending the arrival of a quorum, the following occurred:

Mr. CARLIN. Mr. Speaker, a parliamentary inquiry. My understanding of the rule is that where there is a call of the House it becomes the duty of the Chair, when the absence of a quorum is disclosed, to direct the Sergeant at Arms to send for absentees.

The SPEAKER pro tempore. The Sergeant at Arms has been so directed.

Mr. CARLIN. That is what I desired to inquire.

Mr. SHACKLEFORD. Mr. Speaker, would it be in order, while we are waiting for a quorum, to have an address by the gentleman from Tennessee [Mr. SIMS]?

The SPEAKER pro tempore. The Chair is forced to rule that in the absence of a quorum debate is not in order.

Mr. JOHNSON of South Carolina. Mr. Speaker, the rule is that no business can be transacted. This would not be business. This would be something to entertain those of us who are here.

The SPEAKER pro tempore. The Chair thinks that the remarks of the gentleman from Tennessee [Mr. SIMS] are always in the nature of business.

Mr. SIMS. Mr. Speaker, I am not asking for any time.

Mr. JOHNSON of South Carolina. But we are asking it for him.

Mr. CARLIN. Mr. Speaker, I wish to inquire how many we lack of a quorum.

The SPEAKER pro tempore. Between 60 and 70.

Mr. CLARK of Florida. Mr. Speaker, is it a fact that there are over 100 Members present?

The SPEAKER pro tempore. The Chair is informed by the Clerk that at this moment there are 128 Members present.

Mr. CLARK of Florida. I make the point that under a call of this kind, when 100 Members appear, the Committee of the Whole should resume its sitting. I submit that it takes a quorum of the committee and not a quorum of the House.

The SPEAKER pro tempore. The Chair is of the opinion that at this stage it requires the presence of a quorum of the House.

Mr. CLARK of Florida. As I understand it, the point was made that there was no quorum in the committee.

The SPEAKER pro tempore. The point was made that there was no quorum in the House.

Mr. CLARK of Florida. I thought we were in committee when the point was made.

The SPEAKER pro tempore. The point was originally made in the committee. Since then a call of the House has been ordered.

Mr. CLARK of Florida. When the point is made that there is no quorum in the Committee of the Whole, and then 100 Members appear, I submit to the Chair that the Committee of the Whole should resume its session, and that we are not endeavoring to secure a quorum of the House, but a quorum of the committee. I call the attention of the Chair to the rule on page 425 of the Manual.

The SPEAKER pro tempore. The Chair is quite familiar with that rule.

Mr. CLARK of Florida. It says:

On the failure of the quorum the roll is called but once. Ordinarily when the roll has been called and the committee has risen, it resumes its session by direction of the Speaker on the appearance of a quorum. The quorum which must appear to enable the Speaker to direct the committee to resume its sitting is a quorum of the committee and not of the House.

I submit that when 100 Members appear here that is a quorum of the committee, and it is the duty of the Speaker to direct that the committee resume its sittings. I do not think there can be any question about that rule, Mr. Speaker.

Mr. MANN. Mr. Speaker, may I be heard on that point?

The SPEAKER pro tempore. The Chair will be glad to hear the gentleman from Illinois.

Mr. MANN. Mr. Speaker, the rule to which the gentleman from Florida refers is paragraph 2 of Rule XXIII, which provides:

Whenever a Committee of the Whole House or of the Whole House on the state of the Union finds itself without a quorum, which shall consist of 100 Members, the chairman shall cause the roll to be called, and thereupon the committee shall rise, and the chairman shall report the names of the absentees to the House, which shall be entered on the Journal; but if on such call a quorum shall appear, the committee shall thereupon resume its sitting without further order of the House.

The words "such call" refer to the call of the roll in the committee. If on that call of the roll in the committee a quorum appears, when the report is made to the House the Speaker directs that the House resolve itself into Committee of the Whole again without further order of the House; but that call did not disclose the presence of a quorum of the committee, so that the power of the Speaker to direct the committee to resume its sitting no longer exists.

Mr. CLARK of Florida. Where do you get that from?

Mr. MANN. The only exception to the rule requiring a motion to be made is this exception in paragraph 2 of Rule XXIII:

If a quorum of the committee appears on the call of the committee, then the Speaker directs that the committee resume its sitting.

But a quorum did not appear on that call, or "such call" as the rule referred to.

Now we are in the House; we have got beyond that point. While it is in order when a quorum appears to make a motion that the House resolve itself into Committee of the Whole again, the provision in the rules to which the gentleman refers does not apply. There was no quorum of the committee on that call.

Mr. CLARK of Florida. Mr. Speaker, I understand that in the committee the point was made that there was no quorum—that is, no quorum of the committee. No other point could be made. Therefore there was a call of the House ordered under the rules. The rule says that if upon such call—call of the committee—a quorum shall appear, and a quorum has appeared, the committee shall resume its sitting without further order of the House.

Mr. MANN. Does the gentleman understand that the call now is not a call in the committee? This is another call on a motion for a call of the House.

Mr. CLARK of Florida. There have not been two calls, have there?

Mr. MANN. Certainly. There was a call of the committee and now there is a call of the House.

The SPEAKER pro tempore. The Chair is ready to rule. Reference has been made to paragraph 2 of Rule XXIII, which provides:

Whenever a Committee of the Whole House or of the Whole House on the state of the Union finds itself without a quorum, which shall consist of 100 Members, the Chairman shall cause the roll to be called, and thereupon the committee shall rise, and the Chairman shall report the names of the absentees to the House, which shall be entered on the Journal; but if on such call a quorum shall appear, the committee shall thereupon resume its sitting without further order of the House.

That event has happened several times during this legislative day. The present occupant of the chair has upon several occasions, when the Chairman of the Committee of the Whole House has reported a roll call in that committee and more than 100 Members appeared upon that call, directed the Committee of the Whole to resume its sitting without any motion or order of the House.

The rule permits that to be done when a quorum of 100 has appeared on the roll call in the Committee of the Whole House. That is what is referred to when the rule says "if on such call

a quorum shall appear, the committee shall resume its sitting." But in this instance, on the last roll call in the Committee of the Whole, no quorum appeared; only 88 gentlemen answered to their names. Therefore the rule loses its authority. It does not apply. It gives to the Speaker no authority to direct the committee to resume its session or to declare that the House shall be in Committee of the Whole, except upon its vote.

Since that report was made by the Chairman of the Committee of the Whole there has been made and voted upon a motion to adjourn. After that a call of the House was ordered. We are now proceeding under that call. The roll call in Committee of the Whole is to ascertain if a quorum of that committee is present; 100 is sufficient for that call; but this is a call of the House ordered by the House. It is not such a call as that referred to in the rule. The Chair is clearly of the opinion that when a quorum of the House appears the House may order the committee to resume its session, but that under the rule, in the absence of a quorum, it is beyond the power of the Speaker to make such an order, and therefore there is nothing to do but wait until we have a quorum of the House.

Mr. CARLIN. Mr. Speaker, may I inquire if there has been any report from the Sergeant at Arms?

The SPEAKER pro tempore. The Chair thinks reports are constantly being made by Members coming in.

Mr. PRINCE. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. PRINCE. I beg the pardon of the Speaker, but I did not catch all that the Speaker said while I was busy looking over other matters, but I wish to inquire if when a quorum of the House appears the committee resumes its session automatically, or does it require a motion to go back into Committee of the Whole for the consideration of bills in order?

The SPEAKER pro tempore. The rules give the Chair no authority to return the House to the committee at this stage. It can be done only upon a motion and vote of the House when a quorum has been secured.

Mr. THOMAS of North Carolina. Mr. Speaker, a parliamentary inquiry. How many are we short of a quorum?

The SPEAKER pro tempore. The Speaker is advised by the Clerk that in order to constitute a quorum 58 more Members must appear.

Mr. CARLIN. Mr. Speaker, I move that the Speaker issue his warrant, directed to the Sergeant at Arms, to arrest the absentees and bring them to the bar of the House.

The SPEAKER pro tempore. The gentleman from Virginia moves that the Speaker be directed to issue his warrant to the Sergeant at Arms, who shall thereupon be directed to arrest absent Members and bring them to the bar of the House. The Chair is of opinion that that motion is in order even without the presence of a quorum, as its object is to compel the attendance of absent Members, and thus secure a quorum.

The question was taken; and on a division (demanded by Mr. MANN) there were—ayes 49, noes 10.

So the motion was agreed to.

The SPEAKER pro tempore. As the order of the House just made requires the issuance of warrants, to the end that there may be no doubt as to the authority of the present occupant of the chair to sign such warrants, the Clerk will read the following.

The Clerk read as follows:

I hereby designate the Hon. MARLIN E. OLMSTED, of Pennsylvania, as Speaker pro tempore this legislative day, February 17.

JOSEPH G. CANNON, Speaker.

Mr. MANN. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. MANN. The last vote in the House disclosed the presence of 59 Members out of 385. I would like to inquire of the Chair whether that indicates a great desire on the part of Members to transact business and pass this bill.

The SPEAKER pro tempore. The Chair does not think that is a parliamentary inquiry, but in justice to the membership the Chair thinks the statement should be corrected. A few minutes ago the Chair stated that there were 58 short of a quorum.

Mr. MANN. A moment ago there was a motion made and carried, and the Chair announced the result—49 ayes and 10 noes.

Mr. HEFLIN. Mr. Speaker, in order that the House may calculate for itself how many Members are necessary to make a quorum, I ask how many there are present as reported by the roll call?

The SPEAKER pro tempore. In order that the gentleman may make the calculation for himself, the Chair informs the gentleman that 143 Members have now answered to their names.

Mr. BUTLER. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. BUTLER. Will it be in order to consider any of these claims, except those that relate to churches, on Sunday?

The SPEAKER pro tempore. Not in the absence of a quorum. [Laughter.]

Mr. KITCHIN. When we get a quorum, how can we keep them here?

The SPEAKER pro tempore. That is a conundrum, not a parliamentary inquiry.

Mr. HEFLIN. Mr. Speaker, I ask unanimous consent that I may address the House while the quorum is being gathered.

Mr. CAMPBELL. On what particular subject?

The SPEAKER pro tempore. The Chair is unable to submit that request in the absence of a quorum.

Mr. HEFLIN. Then I yield myself 15 minutes, Mr. Speaker. [Laughter and applause.]

Mr. MANN. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. MANN. Does this time that the gentleman proposes to occupy come out of the time which the House has allotted for general debate on the bill?

The SPEAKER pro tempore. The Chair will state that that is a parliamentary inquiry which will have to be addressed to the Chairman of the Committee of the Whole when the House has again gone into committee.

Mr. DAWSON. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. DAWSON. Is it necessary to keep the doors of the House locked for the next 15 minutes? [Applause.]

Mr. HEFLIN. Mr. Speaker, I would say to my friend from Iowa that under the present circumstances I do not think it will be necessary to lock the doors, but if the gentleman should occupy that time it would be necessary not only to lock the doors but to stand at the doors with a club to compel the Members to remain. [Laughter.]

Mr. Speaker, the gentleman from Illinois [Mr. MANN] asks the question if the absence of a quorum at this time indicates that the membership of the House desires to pass this legislation. The majority of this House, in my judgment, desires to pass this Civil War claims bill. It has been passed upon by the Court of Claims. It has been recommended by a Republican President, who is now at war with his party on a great many Democratic questions. [Laughter.]

Mr. Speaker, I heard the gentleman from New York [Mr. PAYNE], about three years ago, say that the majority side of this House is responsible for the legislation that it passes and responsible for that which it refuses to pass, and I want to say to the gentlemen on that side who have conducted this filibuster for two days and two nights it is the most shameful and contemptible performance that I have witnessed since I have been in this House. [Applause.] The old Federal soldiers in the Southland, who supported the Union in that struggle between the States, and whose substance was taken to feed the Federal Army, and their children are denied by this Republican House payment for that substance. [Applause.] You have defeated these claims in this fashion before. You dare not bring them to the issue and defeat them in the open. You fight them by this miserable filibuster plan; and I want to say to you, gentlemen, that this performance will not help you with any self-respecting Republican in the South. Does it appeal to those old men who wore the blue, you think, to see you stand here conducting a filibuster to keep from paying for churches destroyed by fire in those days? [Applause.] Some of those claims are in this bill.

Widows and orphans of Federal soldiers have claims in this bill for property taken by the Federal forces, and the able gentleman from Illinois [Mr. MANN]—and I pay him the compliment of saying that he is the ablest and most astute politician on that side in some things, but he is now making the most serious blunder for his party that it has made since he has been in the House. [Applause.] Is it true that you are nagging the President? Is it true that you are trying to make him withdraw his threat for an extra session? I challenge you to give us an extra session. You have been repudiated by the country, and the sooner that we can meet in extra session the better it will be for the masses of the people of this country. [Applause on the Democratic side.] Let us have that extra session.

The gentleman from Pennsylvania [Mr. DALZELL] spoke against the reciprocity agreement with Canada—this effort to improve our trade relations with that people. He was bitter in his denunciation of this measure, which Mr. BENNET of New York characterized as being in "opposition to Republican policies and in accord with Democratic policies," and when he realized that the robber tariff which now curses the country was

about to receive a considerable blow by the passage of this reciprocal trade agreement with Canada he assumes a rôle strange, indeed, for the gentleman from Pennsylvania. He becomes anxious about the farmer.

He professes friendship for the farmer. "O Liberty, what crimes are committed in thy name!" [Laughter and applause.] The gentleman from Pennsylvania [Mr. DALZELL] spoke for and voted for a tariff law during this Congress that imposes burdens upon the farmer grievous to be borne. He supported the most obnoxious and oppressive tariff law that ever afflicted a free people, and now when we undertake to relieve the masses, to free the farmers from some of the abuses and hardships of the Payne-Aldrich tariff law, he poses as the farmer's friend and, thus disguised, seeks to destroy a measure which secures to the farmers of our country better trade relations with a friendly people and a wider market for their products. This reciprocal agreement is not all that I would have it. But this proposed agreement between the two countries was submitted to us for ratification or rejection, and it was thoroughly understood that any change in it, any addition to the things proposed, would defeat the measure, and that is why we could not vote for amendments. During my service here I have seen amendments offered for no other purpose than to defeat the measure under consideration, and I must confess that I am of the opinion that the gentleman from Pennsylvania had no other purpose in view yesterday when he moved to recommit the reciprocal trade agreement with Canada to the Committee on Ways and Means, with instructions to include bagging and ties and agricultural implements in the agreement.

The gentleman knows that practically all the agricultural implements used in the United States are manufactured in the United States and that the tariff on such implements is so high that competition in the implement business is impossible, and that while but few agricultural implements come into our country the farmer has to pay the amount of the tariff tax just the same to the manufacturer, and that the cotton bagging used in the United States is manufactured in this country, with the exception of about 20,000,000 yards which come in from Germany and India, and that cotton ties are all manufactured here. The gentleman knows that the farmer is heavily taxed in the tariff law which he helped to pass, and he also knows that he has always opposed putting bagging and ties and agricultural implements on the free list. Mr. Speaker, if there is any one man in this House who has opposed, in season and out, every measure looking to tariff relief for the farmer, it is the gentleman from Pennsylvania [Mr. DALZELL]. [Applause on the Democratic side.]

I want to say to the gentleman from Pennsylvania that if he will prepare a bill putting bagging and ties and agricultural implements on the free list that I will vote for it, and I want to say further to the gentleman that all or nearly all of the Democrats of this House will vote for it. Mr. Speaker, I will say more than that. The gentleman from Pennsylvania will not introduce such a bill, and he would not vote for such a bill if he had the opportunity. The gentleman is not in favor of putting bagging and ties and agricultural implements on the free list. He has always opposed it.

In order to put the gentleman to the test I have introduced the following bill, and I ask him to help get the Ways and Means Committee to report it favorably to this House. Here is the bill:

[Sixty-first Congress, third session. In the House of Representatives, Feb. —, 1911.]

Mr. HEFLIN introduced the following bill:

A bill (H. R. —) to repeal the duties on agricultural implements and cotton bagging and ties.

SECTION 1. Be it enacted by the Senate and House of Representatives in Congress assembled that all agricultural implements and cotton ties and bagging hereafter imported into the United States from any foreign country shall be admitted free and exempt from duty.

SEC. 2. That as much of the act entitled "An act to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes," approved August 5, 1909, as is inconsistent with this act is hereby repealed.

Mr. Speaker, the gentleman from Michigan [Mr. FORDNEY], a high-tariff Republican, was frank enough to say to this House that he wanted to amend this trade agreement with Canada, and when asked if he would then vote for the agreement as amended—the candid gentleman that he is—said, "No; I would vote against it." So it is perfectly plain that all the gentlemen on the Republican side who opposed the trade agreement with Canada wanted to amend it for the purpose of killing it.

I want to put the gentleman from Pennsylvania [Mr. DALZELL] on notice that during the next Congress, when we will be in control of this House, he will have an opportunity to join us in voting to put bagging and ties and agricultural im-

plements and several other things on the free list, and then we will see how good a friend the gentleman is to the farmer.

Mr. Speaker, those of us who represent the South in this House hail with delight any opportunity to improve our trade relations with other countries. We are anxious to have and hold the good will and friendship of the people of Canada. We want her markets thrown wide open to our products, and we will do anything reasonable to restore the good feeling and the right liberal trade that we enjoyed with Canada before the Payne-Aldrich tariff law went into effect. That law went into effect August 5, 1909. The Government statistics show that from June, 1908, to June, 1909, we sold to Canada 65,726,749 pounds of lint cotton. Then, from June, 1909, to June, 1910, after the Payne-Aldrich tariff law went into effect, we sold to Canada 62,796,152 pounds of lint cotton.

These figures disclose the fact that there was a falling off in our cotton trade with Canada in one selling season of 2,930,597 pounds of lint cotton. This is one of the straws that shows how the trade wind is blowing under the damaging influence of the Payne-Aldrich tariff law.

This trade agreement is at least a large stepping-stone in the right direction. Let us hope that Canada will soon find out and fully appreciate the fact that the robber tariff laws of the United States, passed by the Republican Party, are thoroughly repudiated by a proud and patriotic people.

Why, gentlemen, do you think that the people are deceived by this kind of a performance? You had better let us bring this issue up and meet it in the open. If you want to vote against it, do so, and let the people know how you vote. We have driven you from power in this House. [Applause on the Democratic side.] We will drive you from power in the Senate two years from now and elect a Democratic President. [Applause on the Democratic side.] The Republican Party wears upon its breast the scarlet letter of deceit and unfaithfulness to the American people. It has been weighed in the balance and found wanting. You deserve to be driven from power. [Applause on the Democratic side.]

Some of you gentlemen conducting this filibuster remind me of the story of old Uncle Rufus, who was lying asleep by the roadside. He had imbibed about 3 pints of fermented millet juice, and was lying on his back with his tongue out. A medical student found him in this predicament and he sprinkled one of these horsechestnut capsules full of quinine on Rufus's tongue. [Applause and laughter.] Old Rufus rolled his eyes a little, and finally swallowed some of the quinine. Then he commenced to work his lips and blink his eyes. He saw the medical student standing not far away, and he said to him, "Mistah, air you a doctor?" "No," replied the medical student. "Well," said Rufus, "I'se obliged to have a doctor."

The student said, "What is the matter with you?" Rufus replied, "I wants a doctor, and I wants him quick. [Laughter.] I know what's de mattah wid me." Then the medical student said, "Down this road about a quarter of a mile, on the right of the road, there lives a doctor." "Is you gwine to be 'round here for a few minutes?" said Rufus. The student wanted to know why. Rufus said, "I want you to watch my coat an' hat. I'm in a hurry." "Well, what is the matter with you?" demanded the student. Rufus said, "My gall is busted." [Applause and laughter.]

Mr. Speaker, gentlemen on that side have exhibited such unmitigated gall in conducting this miserable filibuster against this long line of poverty-stricken people, who are entitled to the money that the Court of Claims says they ought to have and that the President begs you to give them, that I should hate to be around when that gall explodes. [Laughter.] Do you hope to conduct this filibuster and defeat this measure, and think that we will not tell the country that your purpose was to defeat it? You move to have a call of the House, and yet your party constitutes a majority in this House. You are responsible for the things you have passed and the things you do not pass, and the country knows this.

If you defeat this measure in this way, you will hear from it again. It will haunt you in the future. We have been reminding you for the last two years of your unwarranted and unfair tactics, and we have trimmed you up according to our notion right recently. [Laughter.] We have got you now in ship-shape, and two years from now—

Mr. STANLEY. Will the gentleman permit an interruption?

Mr. HEFLIN. Certainly.

Mr. STANLEY. To whom are we indebted for this delay to the gentleman from Illinois or the gentleman from Arkansas? [Laughter.]

Mr. HEFLIN. I hardly know, Mr. Speaker, but I never thought the gentleman from Kentucky would interrupt such a

burst of eloquence with a question like that. [Laughter and applause.] Two years from now—

Mr. STANLEY. Mr. Speaker, I want to again interrupt the gentleman from Alabama, and I want to say that the gentleman from Illinois is evil by willful intent, but the gentleman from Arkansas is mistaken by the mysterious providence of God. [Laughter.]

Mr. ROBINSON. Mr. Speaker, will the gentleman from Kentucky kindly discriminate between the gentlemen from Arkansas and indicate which one he means. [Laughter and applause.]

Mr. STANLEY. Mr. Speaker—

Mr. HEFLIN. I can not yield any more.

Mr. STANLEY. Mr. Speaker, I want to say that nobody who knows the high-browed gentleman from Arkansas will suspect that I meant him. [Laughter.]

Mr. HEFLIN. Now, Mr. Speaker, in conclusion. [Applause and cries of "Go on!"] I see that I have excited the desire of a good many people to speak, but I can not yield any more time; but I want to say to the other side that all this filibuster, that all your recent attempts to defeat friendly trade relations with Canada, that all your efforts to defeat the wishes of your President, puts you in the attitude of the old negro at the protracted meeting. After the parson had finished his sermon, he said to the congregation, "All of you who are livin' in peace an' love with your neighbors, stand up." And they all stood up.

The next night he said, "Bretheren and sisters, I wants all of you who air livin' right to stand up." And they all stood up; and the old parson said to the local preacher, "What do you think er dat? Every last hoof uv 'em stood up. Dey ain't deceivin' me and dey ain't deceivin' de Lord. You know there ain't nobody livin' exactly right. The Bible says there ain't none absolutely good, and yet every last hoof of 'em stood up and said they wus 'er livin' right. What are you gwine to do about it? We can't separate the sheep from the goats; we can't tell the saints from the sinners. [Laughter.] Now, what you gwine to do?"

The local preacher said, "You remembah dat old nigger Gabriel what used to blow de bugle in slavery times? Well, tomorrow night when you gets to preachin' one of your ambitious sermons I'm gwine to put that nigger in the fork of de tree by de church, and when you gits to de right place ax 'em if Gabriel wus ter blow his bugle, sayin' time on earth is over, 'How many of you would be ready to go?' Den dey'll all stand up, and den you call on Gabriel to blow his bugle and shake dem niggers into a realization of the situation." [Applause and laughter.]

The next night the parson came down and looked over the congregation, and said, "I've been preachin' to you a long time," and they said "Um-um." He said, "I wants to know if you want to hear me to-night." And they said, "Yes, good Lord; um-um." [Laughter.] And he said, "Bretheren and sisters, one of these days—and it won't be long—you are gwine to look out yondah and see the gospel train comin', sweepin' 'round the mountain, and you'll heah the conductah say, 'All abo'd!' [Laughter.] Oh, poor sinner, what's gwine to become of you when you see the devil comin', with fire rollin' out of his nose like a steam engine gwine up a hill? [Laughter.] He said, "I want to know if at dis very moment Gabriel should blow his bugle, sayin' time is over, how many of you would be ready to go home to glory? I want you to stand up," and the last one of them stood up. The old parson said, "Whoo-oo, Gabriel, G-a-b-r-i-e-l; blow your bugle, calm and easy." And out in the tree top old Gabriel answered, "Too-oo, too-oo!" [Laughter.]

A great, big, fat nigger out in front moved out and said, "Dar's somethin' wrong around here." [Laughter and applause.] Then a little bow-legged nigger, standing by the big fat nigger, said, "Oh, hush, and listen to the parson." "Don't come scrouging up around me," said the fat nigger. [Laughter.]

The old parson said, "Whoo-oo, Gabriel; blow your bugle loudah than seven claps of thundah." And out in the tree top old Gabriel said, "Too-oo! Too-te-too-tooh!" [Laughter and applause.]

The big, black, fat nigger said, "Clear de way dere; clear de way. Dat nigger has fetched judgment here and I know I ain't prepared," and out he went at the door. [Applause and laughter.]

So, my Republican friends, the way you are conducting matters on that side [laughter and applause], from the way you are now carrying on this filibuster, and dallying with trade agreements, and fighting your own party's President, and getting in the way of Democratic doctrines, two years from now

judgment day will come, and you will not be prepared. [Loud applause and laughter.]

Mr. PRINCE. Mr. Speaker, I rise to a point of order.

The SPEAKER pro tempore. The gentleman will state it.

Mr. PRINCE. I wish to know, Mr. Speaker, if there is a quorum present for the transaction of business.

The SPEAKER pro tempore. The Chair will inform the gentleman that a quorum is still lacking.

Mr. HEFLIN. Mr. Speaker, I reserve the balance of my time. May I inquire, Mr. Speaker, how many we lack of a quorum.

The SPEAKER pro tempore. The Chair is informed that 172 Members are present.

Mr. STANLEY. Mr. Speaker—

The SPEAKER pro tempore. For what purpose does the gentleman rise?

Mr. STANLEY. A parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. STANLEY. Was the statement of Bobbie Burns, that—

Man's inhumanity to man
Makes countless thousands mourn—

poetry or philosophy? And did it refer to the gentleman from Illinois? [Laughter.]

The SPEAKER pro tempore. That is hardly a parliamentary inquiry.

Mr. HARDY. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. HARDY. When an irresistible force meets an immovable body, what is the result?

The SPEAKER pro tempore. The Chair thinks that is hardly a parliamentary inquiry.

Mr. HARDY. We seem to be trying to move the gentleman from Illinois [Mr. MANN] and he seems to stand still. [Laughter.]

Mr. BARNHART. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. BARNHART. Is there anything doing?

The SPEAKER pro tempore. Not in the absence of a quorum.

Mr. THOMAS of Kentucky. Mr. Speaker, I ask unanimous consent that the gentleman from Illinois [Mr. MANN] have five minutes in which to address the House.

The SPEAKER pro tempore. In the absence of a quorum it is not within the power of the Chair to submit the request.

The Chair must again call the attention of gentlemen to the rule which prohibits smoking in any part of the House at any time.

Mr. RUCKER of Missouri. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. RUCKER of Missouri. Has the Chair any right to prohibit smoking on the floor when a quorum is not present?

The SPEAKER pro tempore. The Chair thinks that rule applies at all times, even in the absence of a quorum.

Mr. RUCKER of Missouri. I am glad there is something the Chair thinks we can do in the absence of a quorum.

Mr. BARTLETT of Georgia. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. BARTLETT of Georgia. I desire to know whether the Sergeant at Arms has made any report as to the Members upon whom he has executed the order of the House, and whether any have come in under that order.

The SPEAKER pro tempore. The Chair is under the impression that the Sergeant at Arms is now out in search of absent Members.

Mr. BARTLETT of Georgia. Mr. Speaker, another parliamentary inquiry. Can the Chair inform the House how many men the Sergeant at Arms has at his disposal for the purpose of carrying out the orders of the House?

The SPEAKER pro tempore. The Chair is not informed upon that point.

Mr. BARTLETT of Georgia. I should like to inquire whether he has a sufficient number of men. I am asking in order that I may, if possible, facilitate the business of the House in the obtaining of a quorum. If the Sergeant at Arms is unable, by reason of a lack of a sufficient number of men, to execute promptly the orders of the House so that we may have a quorum, I desire to aid the Sergeant at Arms by moving that a sufficient number of men be sworn in.

The SPEAKER pro tempore. The Chair is of the impression from the constant arrival of Members that the Sergeant at Arms is doing his duty.

Mr. BARTLETT of Georgia. I do not doubt that. That is not the purpose of my inquiry. It is simply to know whether the Sergeant at Arms needs more than the force he has at his

command for the purpose of executing the orders of the House. I know the Sergeant at Arms, and I know he is efficient, but he can not perform his duty as promptly as he might if he needs more men to help carry out his orders, and what I have said is not intended as any reflection on that officer.

The SPEAKER pro tempore. The Chair is informed that the Sergeant at Arms has at this time four deputies out who are engaged in the performance of that duty.

Mr. BARTLETT of Georgia. I do not think that number is enough. Will it be in order to move to add to the force of the Sergeant at Arms by swearing in additional men for the purpose of executing this order of the House?

Mr. DAWSON. Will the gentleman yield for a suggestion?

Mr. BARTLETT of Georgia. I will.

Mr. DAWSON. If the Sergeant at Arms was directed to go to the banquet of the Gridiron Club might he not dig up something?

Mr. BARTLETT of Georgia. I have not the list of gentlemen to be present at the banquet.

Mr. LANGLEY. I understand there are about 50 Members there.

Mr. BARTLETT of Georgia. I understand the Gridiron banquet is being held to-night, but I want to make a motion to aid the Sergeant at Arms.

The SPEAKER pro tempore. In the opinion of the present occupant of the chair, such a motion is not in order. About one year ago, under similar circumstances, such a motion was carried after the House had overruled the Chair, but the Speaker of the House declined to sign the warrant, fearing that the direction made in the absence of a quorum was not sufficient authority for him to do so. A warrant for the arrest of a Member of this House should not be issued or served upon doubtful authority. The rules provide how deputies may be appointed, and other deputies, or deputies to be appointed in some other manner, can not, in the opinion of the Chair, be authorized in the absence of a quorum. A warrant of arrest is a serious matter, and should neither be issued nor served upon doubtful authority.

Mr. BARTLETT of Georgia. I am not making any reflection upon the Sergeant at Arms. I simply wanted to expedite the business of the House by furnishing what aid was necessary to carry out the orders of the House.

Mr. SIMS. Mr. Speaker, I think that, under the law of both Houses, gentlemen who absent themselves, except for sickness of themselves or their family, are subject to have their salary and allowance for that day deducted. Now, if it is in order to direct the Sergeant at Arms to execute the plain law of the statute from this time on to the end of the session, I want to make that motion and invoke the law. If gentlemen do not care for the business of the House, they ought not to want pay for staying out of the House, unless they are sick or there is sickness in the family.

Mr. KITCHIN. Will the gentleman from Tennessee yield for another song?

Mr. SIMS. Personally I do not feel like singing. [Laughter.]

The SPEAKER pro tempore. The Chair has a very decided opinion on the subject, but in order to be certain he will consult the precedents. Will the gentleman from Tennessee state his motion?

Mr. SIMS. My motion is that the Sergeant at Arms be instructed to execute the provision of the law requiring the salaries of Members of the House to be deducted for all such days as they are absent, except for sickness of themselves or of members of their family, and that it be executed for this day and the rest of the session. Gentlemen are paid \$20 a day to stay here, and they ought to be here unless they or their families are sick.

The SPEAKER pro tempore. The Chair desires to rule upon the parliamentary inquiry followed by the motion of the gentleman from Tennessee. The House is now without a quorum. We are in the midst of a call of the House. The only motion which can be entertained in the absence of a quorum is the motion to adjourn, or some motion which has for its manifest, plain purpose merely the bringing in of Members, so as to compel attendance and secure a quorum. Such a motion has been adopted, and the order of the House is now in process of execution. The Chair is of opinion that a motion to enforce a penalty against absent Members by deducting something from their salaries at the end of the month would not help to secure a quorum this evening, although it might insure more faithful attendance in future, and that the motion is of such nature that it can not be entertained at this time, when no quorum is present.

Mr. SIMS. Does it require a motion to make the Sergeant at Arms obey the plain mandates of statutory law?

The SPEAKER pro tempore. That is not a parliamentary inquiry. The Chair has not the law before him. The Chair is

informed that the existence of such a law has been questioned. Whether it is still in force or not the Chair does not undertake to state, and it is not within the province of the Chair to answer whether such a motion is requisite or not; it would not be in order at this time.

Mr. COLE. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. COLE. Does not the eight-hour law apply to Congress as well as to all labor on public contracts?

The SPEAKER pro tempore. If there were a quorum present, the Chair would refer that to the Committee on Labor.

Mr. HEFLIN. Mr. Speaker, how many Members do we lack of a quorum?

The SPEAKER pro tempore. The Chair is informed that we lack nine of a quorum.

Mr. KOPP. Mr. Speaker, I move that the House do now adjourn.

The SPEAKER pro tempore. The question is on the motion of the gentleman from Wisconsin that the House do now adjourn.

The question was taken; and on a division (demanded by Mr. Kopp) there were—ayes 48, noes 80.

Mr. KOPP. Mr. Speaker, on that I demand the yeas and nays.

The SPEAKER pro tempore. The gentleman demands the yeas and nays. Those in favor of ordering the yeas and nays will rise and stand until counted.

Mr. CARLIN. Mr. Speaker, I make the point of order that the yeas and nays can not be ordered while a call of the House is proceeding.

Mr. CLARK of Florida. The present roll call is on a motion to adjourn.

The SPEAKER pro tempore. The present roll call is on a call of the House.

Mr. RANDALL of Texas. Mr. Speaker, I rise to a point of order. I make the point of order that the House has voted on a motion to adjourn, since which time no other business has intervened, and that therefore the motion to adjourn is out of order.

The SPEAKER pro tempore. The Chair thinks that that point comes too late, the motion having been entertained and a division ordered upon it.

Mr. RANDALL of Texas. Mr. Speaker, I rose to my feet and the Speaker paid no attention, but went on with his counting. I was in time. I think the Speaker counted me as one who voted for the yeas and nays, when I was making the point of order.

The SPEAKER pro tempore. The Chair has not counted the gentleman as one demanding the yeas and nays. Before the gentleman made his point or rose for that purpose, if the Chair is correct—and if not the gentleman will inform the Chair—a division had been taken.

Mr. RANDALL of Texas. That is true.

The SPEAKER pro tempore. After that the Chair thinks it is too late to make the point.

Mr. MANN. Mr. Speaker, I demand the other side.

The SPEAKER pro tempore. The other side is demanded. Those who are not in favor of ordering the yeas and nays on the motion to adjourn will rise and stand until counted.

Thirty-three gentlemen rose to demand the yeas and nays, and 99 gentlemen rose upon the other side—a sufficient number—and the yeas and nays were ordered.

The question was taken; and there were—yeas 47, nays 135, answered "present" 14, not voting 188, as follows:

YEAS—47.

| | | | |
|-----------------|---------------|-----------------|----------------|
| Anthony | Durey | Klistermann | Needham |
| Barchfeld | Dwight | Langham | Norris |
| Barnard | Englebright | Lenroot | O'Connell |
| Burke, S. Dak. | Esch | Lindbergh | Pickett |
| Butler | Garrett | McCredie | Pratt |
| Calder | Gobel | McKinley, Ill. | Sterling |
| Campbell | Graft | Malby | Stevens, Minn. |
| Currier | Guernsey | Mann | Tawney |
| Davidson | Hill | Martin, S. Dak. | Volstead |
| Dawson | Howell, Utah | Miller, Kans. | Vreeland |
| Dickema | Hubbard, Iowa | Mondell | Woods, Iowa |
| Driscoll, M. E. | Kopp | Morgan, Okla. | |

NAYS—135.

| | | | |
|----------------|---------------|--------------|----------------|
| Adair | Bennet, N. Y. | Clark, Fla. | Dickson, Miss. |
| Adamson | Borland | Clark, Mo. | Dixon, Ind. |
| Aiken | Brantley | Clayton | Dodds |
| Alexander, Mo. | Broussard | Collier | Edwards, Ga. |
| Anderson | Burgess | Cooper, Wis. | Edwards, Ky. |
| Ansherry | Burnett | Cowles | Ellerbe |
| Ashbrook | Byrns | Cox, Ind. | Estopinal |
| Austin | Candler | Creager | Ferris |
| Barnhart | Cantrill | Cullop | Finley |
| Bartlett, Ga. | Carlin | Davis | Fitzgerald |
| Bartlett, Nev. | Carter | Dent | Flood, Va. |
| Beall, Tex. | Cary | Denver | Floyd, Ark. |
| Bell, Ga. | Chapman | Dickinson | Focht |

| | | | |
|---------------|------------------|---------------|---------------|
| Foster, Ill. | Hughes, N. J. | Mays | Sheppard |
| Garner, Tex. | Hull, Tenn. | Mitchell | Sherwood |
| Gillespie | Humphreys, Miss. | Moon, Tenn. | Simmons |
| Glass | Jamieson | Morgan, Mo. | Sims |
| Godwin | Johnson, S. C. | Morrison | Sisson |
| Gordon | Jones | Moss | Small |
| Graham, Ill. | Kitchin | Nicholls | Spight |
| Grant | Korbly | Oldfield | Stanley |
| Greene | Latta | Padgett | Sulloway |
| Hamlin | Law | Page | Swasey |
| Hammond | Lee | Peters | Thistlewood |
| Hardy | Legare | Pray | Thomas, Ky. |
| Hawley | Lever | Prince | Thomas, N. C. |
| Hay | Lively | Pujo | Tou Velle |
| Healin | Lloyd | Rainey | Turnbull |
| Helm | McHenry | Randell, Tex. | Underwood |
| Henry, Tex. | McLachlan, Cal. | Richardson | Watkins |
| Hobson | Macon | Robinson | Weisse |
| Hollingsworth | Maguire, Nebr. | Rucker, Mo. | Wickliffe |
| Houston | Martin, Colo. | Saunders | Willett |
| Hughes, Ga. | Massey | Shackleford | |

ANSWERED "PRESENT"—14.

| | | | |
|------------|----------|---------|--------------|
| Booher | Draper | Lamb | Steenerson |
| Calderhead | Fordney | Langley | Young, N. Y. |
| Cline | Harrison | Olmsted | |
| Cole | Howland | Rauch | |

NOT VOTING—188.

| | | | |
|------------------|-----------------|-------------------|----------------|
| Alexander, N. Y. | Gallagher | Knowland | Reeder |
| Allen | Gardner, Mass. | Kronmiller | Reid |
| Ames | Gardner, Mich. | Lafean | Rhinock |
| Andrus | Gardner, N. J. | Lawrence | Riordan |
| Barclay | Garner, Pa. | Lindsay | Roberts |
| Bartholdt | Gill, Md. | Livingston | Roddenbery |
| Bates | Gill, Mo. | Longworth | Rodenberg |
| Bennett, Ky. | Gillett | Loud | Rothermel |
| Bingham | Goldfogle | Loudenslager | Rucker, Colo. |
| Boehne | Good | Lowden | Sabath |
| Boutell | Goulden | Lundin | Scott |
| Bowers | Graham, Pa. | McCall | Sharp |
| Bradley | Gregg | McCreary | Sheffield |
| Burke, Pa. | Griest | McDermott | Sherley |
| Burleigh | Hamer | McGuire, Okla. | Slayden |
| Burleson | Hamill | McKinlay, Cal. | Slemp |
| Byrd | Hamilton | McKinney | Smith, Cal. |
| Capron | Hanna | McLaughlin, Mich. | Smith, Iowa |
| Cassidy | Hardwick | McMorran | Smith, Mich. |
| Cocks, N. Y. | Haugen | Madison | Smith, Tex. |
| Conry | Havens | Madison | Snapp |
| Cooper, Pa. | Hayes | Maynard | Southwick |
| Coudrey | Heald | Miller, Minn. | Sparkman |
| Covington | Henry, Conn. | Millington | Sperry |
| Cox, Ohio | Higgins | Moon, Pa. | Stafford |
| Craig | Hinshaw | Moore, Pa. | Stephens, Tex. |
| Cravens | Hitchcock | Moore, Tex. | Sturgiss |
| Crow | Howard | Morehead | Sulzer |
| Crumacker | Howell, N. J. | Morse | Talbott |
| Dabzell | Hubbard, W. Va. | Moxley | Taylor, Ala. |
| Denby | Huff | Mudd | Taylor, Colo. |
| Dies | Hughes, W. Va. | Murdoch | Taylor, Ohio |
| Douglas | Hull, Iowa | Murphy | Thomas, Ohio |
| Driscoll, D. A. | Humphrey, Wash. | Nelson | Tilson |
| Dupre | James | Nye | Townsend |
| Ellis | Johnson, Ky. | Olcott | Wallace |
| Elvins | Johnson, Ohio | Palmer, A. M. | Wanger |
| Fairchild | Joyce | Palmer, H. W. | Washburn |
| Fassett | Kahn | Parker | Webb |
| Fish | Keifer | Parsons | Weeks |
| Foelker | Keliher | Patterson | Wheeler |
| Fornes | Kendall | Payne | Wiley |
| Foss | Kennedy, Iowa | Pearre | Wilson, Ill. |
| Foster, Vt. | Kennedy, Ohio | Plumley | Wilson, Pa. |
| Fowler | Kinkaid, Nebr. | Poindexter | Wood, N. J. |
| Fuller | Kinkaid, N. J. | Pou | Woodward |
| Gaines | Knapp | Ransdell, La. | Young, Mich. |

So the motion to adjourn was rejected.

The Clerk announced the following additional pairs:

Until 8 p. m. to-day:

Mr. LANGLEY (in favor) with Mr. MADISON (against).

For balance of legislative day:

Mr. WASHBURN (in favor) with Mr. FOSTER of Vermont (against).

Mr. WEEKS (in favor) with Mr. SCOTT (against).

Until 10 a. m. Sunday:

Mr. FAIRCHILD with Mr. CASSIDY.

Mr. KINKAID of Nebraska with Mr. CLINE.

Mr. KENNEDY of Ohio with Mr. BURLESON.

On all votes on claims bill:

Mr. WANGER (in favor) with Mr. KENDALL (against).

Mr. GOOD (in favor) with Mr. NELSON (against).

Mr. CALDERHEAD (in favor) with Mr. FORDNEY (against).

Until further notice:

Mr. LOUDENSLAGER with Mr. SHARP.

Mr. ALEXANDER of Missouri with Mr. BOWERS.

Mr. McMORRAN with Mr. RUCKER of Colorado.

Mr. CRUMPACKER with Mr. DANIEL A. DRISCOLL.

Mr. GILLET with Mr. HAMILL.

Mr. HIGGINS with Mr. HAVENS.

Mr. TILSON with Mr. SMITH of Texas.

Mr. LAWRENCE with Mr. STEPHENS of Texas.

Mr. LAFEAN with Mr. TAYLOR of Alabama.

Mr. OLCOTT with Mr. TAYLOR of Colorado.

Mr. SOUTHWICK with Mr. WEBB.

For the session:

Mr. HUGHES of West Virginia with Mr. BYRD.

Mr. ANDRUS with Mr. RIORDAN.

Mr. FORDNEY. Mr. Speaker, I voted "aye," but I am paired with the gentleman from Kansas [Mr. CALDERHEAD].

The SPEAKER pro tempore. Call the gentleman's name.

The name of Mr. FORDNEY was called, and he answered "Present."

The SPEAKER pro tempore. On this vote the yeas are 47, the nays are 135, present 14. The nays have it, and the House refuses to adjourn. Under the call of the House 199 Members have appeared—a quorum. The Doorkeeper will open the doors.

Mr. SIMS. Mr. Speaker, I move that further proceedings under the call of the House be dispensed with.

The SPEAKER pro tempore. The gentleman from Tennessee moves that further proceedings under the call be dispensed with.

The question was taken, and the motion was agreed to.

Mr. PRINCE. Mr. Speaker—

Mr. CLAYTON. Mr. Speaker—

The SPEAKER pro tempore. For what purpose does the gentleman from Alabama rise?

Mr. CLAYTON. Mr. Speaker, I desire to offer the following resolution and ask the immediate consideration of the same.

The SPEAKER pro tempore. The Clerk will report the resolution.

The Clerk read as follows:

Resolved, That the Committee on Rules be, and is hereby, required to report not later than Monday a special rule providing for the consideration of the bill, Senate bill 7971, reported by the Committee on Claims; that the consideration of said bill be made a continuing order until the bill is disposed of under appropriate provision bringing the House to a vote on the passage of said bill and all amendments thereto not later than 4 o'clock p. m., Tuesday next.

Mr. MANN. Mr. Speaker, I make the point of order that the resolution is not in order and ask for the regular order.

The SPEAKER pro tempore. The Chair assumes that the gentleman from Alabama asks unanimous consent.

Mr. CLAYTON. Mr. Speaker, the Chair is in error; "the gentleman from Alabama" assumed that the gentleman from Illinois at least would object to it, and therefore "the gentleman from Alabama" desires to ask the present consideration of the resolution.

The SPEAKER pro tempore. Then he moves its consideration?

Mr. CLAYTON. He moves its consideration at the present time.

The SPEAKER pro tempore. And to that the gentleman from Illinois makes his point of order. Will the gentleman from Illinois state his point of order?

Mr. MANN. I demand the regular order, and move that the House resolve itself into the Committee of the Whole House for the further consideration of bills on the Private Calendar in order to-day.

The SPEAKER pro tempore. The Chair, in the first place, would like to hear the gentleman from Illinois briefly upon his point of order.

Mr. MANN. Well, Mr. Speaker, there is no authority at this time, even if there were at any other time, to bring in this resolution. The House has already decided, the Speaker has decided, that the only thing that can be taken up in the House at this time is the motion to go to a consideration of the business on the Private Calendar. However, there is no authority for the resolution at any time.

The resolution may be introduced and referred to the Committee on Rules. There is no authority for the introduction of the resolution on the floor of the House. It can be put into the basket, like any other resolutions relating to the rules of the House.

The SPEAKER pro tempore. The Chair will call attention to section 53 of Rule XI:

All proposed action touching the rules, joint rules, and order of business shall be referred to the Committee on Rules.

The Chair thinks it very plain that the resolution offered by the gentleman from Alabama, not having been referred to or reported from the Committee on Rules, its consideration is not in order at the present time. The motion of the gentleman from Illinois is in order.

Mr. CLAYTON. Mr. Speaker, from the decision of the Chair I desire to appeal, and do now appeal, and upon that question I move the previous question. [Applause.]

The SPEAKER pro tempore. From the decision of the Chair the gentleman from Alabama [Mr. CLAYTON] appeals, and upon that appeal moves the previous question. So the question is, Shall the decision of the Chair stand as the judgment of the House? and upon that the previous question is demanded.

The question comes first on ordering the previous question.

The question was taken, and the Chair announced that the ayes seemed to have it.

Mr. MANN. Mr. Speaker, I ask for a division.

Mr. BARTLETT of Georgia. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. BARTLETT of Georgia. What is the proposition? Is it the appeal now, or the previous question?

The SPEAKER pro tempore. The previous question.

The House divided; and there were—ayes 93, noes 60.

Mr. MANN. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. CARLIN. Mr. Speaker, the last roll call, I think, showed 199 Members present, and is that not a sufficient number?

The SPEAKER pro tempore. The Chair has taken the vote by division on the last vote taken.

Mr. CARLIN. The last vote?

The SPEAKER pro tempore. The Chair announced that the ayes were 93 and the noes were 60.

Mr. CARLIN. I am speaking of the last roll call.

The SPEAKER pro tempore. The Chair will suggest that if the gentleman from Virginia [Mr. CARLIN] desires to demand the other side he has that privilege.

Mr. CARLIN. No; I do not desire to call it.

The SPEAKER pro tempore. The Clerk will call the roll.

The question was taken; and there were—ayes 128, nays 49, answered "present" 16, not voting 191, as follows:

YEAS—128.

| | | | |
|----------------|----------------|------------------|----------------|
| Adair | Dent | Hughes, Ga. | Oldfield |
| Adamson | Denver | Hughes, N. J. | Padgett |
| Aiken | Dickinson | Hull, Tenn. | Page |
| Alexander, Mo. | Dickson, Miss. | Humphreys, Miss. | Peters |
| Anderson | Diekema | Jameson | Prince |
| Ansberry | Dixon, Ind. | Johnson, S. C. | Pujo |
| Ashbrook | Dodds | Jones | Rainey |
| Austin | Edwards, Ga. | Kitchin | Randell, Tex. |
| Barnhart | Edwards, Ky. | Korby | Rauch |
| Bartlett, Ga. | Ellerbe | Langley | Richardson |
| Bartlett, Nev. | Estopinal | Law | Robinson |
| Beall, Tex. | Ferris | Lee | Rucker, Mo. |
| Bell, Ga. | Finley | Legare | Shackelford |
| Borland | Flood, Va. | Lever | Sheffield |
| Brantley | Floyd, Ark. | Lindbergh | Sheppard |
| Broussard | Focht | Lively | Sherwood |
| Burgess | Poster, Ill. | Lloyd | Sims |
| Burnett | Garner, Tex. | McCredie | Sisson |
| Byrns | Gillespie | McHenry | Spight |
| Candler | Glass | Macon | Stanley |
| Cantrill | Godwin | Maguire, Nebr. | Stephens, Tex. |
| Carlin | Graham, Ill. | Martin, Colo. | Sterling |
| Carter | Greene | Massey | Sulloway |
| Clark, Fla. | Hamlin | Mays | Thistlewood |
| Clark, Mo. | Hardy | Mitchell | Thomas, Ky. |
| Clayton | Hawley | Moon, Tenn. | Thomas, N. C. |
| Collier | Hay | Morgan, Mo. | Tou Velle |
| Cowles | Heflin | Morrison | Turnbull |
| Cox, Ind. | Helm | Morse | Underwood |
| Creager | Henry, Tex. | Nicholls | Weisse |
| Cullop | Hobson | Norris | Wickliffe |
| Davis | Houston | O'Connell | Woods, Iowa |

NAYS—49.

| | | | |
|----------------|---------------|-----------------|----------------|
| Anthony | Dawson | Kopp | Pratt |
| Barchfeld | Dwight | Küstermann | Pray |
| Barnard | Englebright | Langham | Reeder |
| Bennet, N. Y. | Esch | Lenroot | Snapp |
| Burke, S. Dak. | Garrett | McLachlan, Cal. | Steenerson |
| Butler | Goebel | Mann | Stevens, Minn. |
| Calder | Graff | Martin, S. Dak. | Swasey |
| Campbell | Grant | Miller, Kans. | Tilson |
| Cary | Guernsey | Mondell | Volstead |
| Chapman | Hammond | Morgan, Okla. | Vreeland |
| Cooper, Wis. | Hill | Moss | |
| Currier | Hollingsworth | Needham | |
| Davidson | Howell, Utah | Pickett | |

ANSWERED "PRESENT"—16.

| | | | |
|------------|---------------|----------|--------------|
| Booher | Draper | Knapp | Simmons |
| Calderhead | Harrison | Lamb | Sparkman |
| Cline | Howland | Olmsted | Watkins |
| Cole | Hubbard, Iowa | Saunders | Young, N. Y. |

NOT VOTING—191.

| | | | |
|------------------|-----------------|----------------|-----------------|
| Alexander, N. Y. | Covington | Foss | Hanna |
| Allen | Cox, Ohio | Poster, Vt. | Hardwick |
| Ames | Craig | Fowler | Haugen |
| Andrus | Cravens | Fuller | Havens |
| Barclay | Crow | Gaines | Hayes |
| Bartholdt | Crumpacker | Gallagher | Heald |
| Bates | Dalzell | Gardner, Mass. | Henry, Conn. |
| Bennett, Ky. | Denby | Gardner, Mich. | Higgins |
| Bingham | Dies | Gardner, N. J. | Hinshaw |
| Boehne | Douglas | Garner, Pa. | Hitchcock |
| Boutell | Driscoll, D. A. | Gill, Md. | Howard |
| Bowers | Driscoll, M. E. | Gill, Mo. | Howell, N. J. |
| Bradley | Dupre | Gillett | Hubbard, W. Va. |
| Burke, Pa. | Duney | Goldfogle | Huff |
| Burleigh | Ellis | Good | Hughes, W. Va. |
| Burleson | Elvins | Gordon | Hull, Iowa |
| Byrd | Fairchild | Goulden | Humphrey, Wash. |
| Capron | Fassett | Graham, Pa. | James |
| Cassidy | Fish | Gregg | Johnson, Ky. |
| Cocks, N. Y. | Fitzgerald | Griest | Johnson, Ohio |
| Conry | Foelker | Hamer | Joyce |
| Cooper, Pa. | Fordney | Hamill | Kahn |
| Coudrey | Fornes | Hamilton | Keifer |

| | | | |
|----------------|-------------------|---------------|---------------|
| Kelliher | McLaughlin, Mich. | Pearre | Sperry |
| Kendall | McMorran | Plumley | Stafford |
| Kennedy, Iowa | Madden | Poindexter | Sturgiss |
| Kennedy, Ohio | Madison | Pou | Sulzer |
| Kinkaid, Nebr. | Malby | Ransdell, La. | Talbot |
| Kinkaid, N. J. | Maynard | Reld | Tawney |
| Knowland | Miller, Minn. | Rhinock | Taylor, Ala. |
| Kronmiller | Millington | Riordan | Taylor, Colo. |
| Lafean | Moon, Pa. | Roberts | Taylor, Ohio |
| Latta | Moore, Pa. | Roddenbery | Thomas, Ohio |
| Lawrence | Moore, Tex. | Rodenberg | Townsend |
| Lindsay | Morehead | Rothermel | Wallace |
| Livingston | Moxley | Rucker, Colo. | Wanger |
| Longworth | Mudd | Sabath | Washburn |
| Loud | Murdock | Scott | Webb |
| Loudenslager | Murphy | Sharp | Weeks |
| Lowden | Nelson | Sherley | Wheeler |
| Lundin | Nye | Slayden | Wiley |
| McCall | Olcott | Slemp | Willett |
| McCreary | Palmer, A. M. | Small | Wilson, Ill. |
| McDermott | Palmer, H. W. | Smith, Cal. | Wilson, Pa. |
| McGuire, Okla. | Parker | Smith, Iowa | Wood, N. J. |
| McKinlay, Cal. | Parsons | Smith, Mich. | Woodyard |
| McKinley, Ill. | Patterson | Smith, Tex. | Young, Mich. |
| McKinney | Payne | Southwick | |

So the previous question was ordered.

The Clerk announced the following additional pairs:

Until further notice:

Mr. MOXLEY with Mr. GORDON.

Mr. GARDNER of New Jersey with Mr. WATKINS.

Mr. NYE with Mr. MAYNARD.

The result of the vote was announced as above recorded.

Mr. MANN. Mr. Speaker, I ask for recognition under the rules.

Mr. CARLIN. To that I make a point of order, Mr. Speaker. The previous question having been ordered, no debate is in order.

Mr. MANN. If the gentleman were as familiar with the rules as I had supposed him to be, he would know better.

The SPEAKER pro tempore. The Chair will state that the rule provides that whenever the previous question has been ordered on any proposition on which there has been no debate, there shall be 40 minutes for debate, one-half to be allotted to each side.

Mr. SIMS. A parliamentary inquiry, Mr. Speaker.

The SPEAKER pro tempore. The gentleman will state it.

Mr. SIMS. If, during this debate, gentlemen leave the Hall, we are liable to break a quorum, are we not?

Mr. BARTLETT of Georgia. We have got just an even quorum now.

Mr. SIMS. It is just an even quorum that we have got.

The SPEAKER pro tempore. The gentleman from Illinois [Mr. MANN] is recognized.

Mr. MANN. Mr. Speaker, I call the attention of the House to the situation, especially if I can get the attention of the gentleman from Tennessee [Mr. SIMS] and the gentleman from Alabama [Mr. CLAYTON], to whom, among others, I wish to address a few remarks. A little while ago, when the committee had ceased the first reading of the bill, and after an hour's discussion in the committee, the committee rose and reported to the House, and an agreement was entered into in the House for three hours' general debate, and without a roll call the House went back into Committee of the Whole House. I did not make the point, and no gentleman on this side of the House made the point, of no quorum, which has kept the House from debating this bill for the last three hours.

Mr. SIMS. Who made it?

Mr. MANN. It was a gentleman on that side of the House.

Mr. SIMS. Who made it?

Mr. MANN. I ask that gentlemen do not interrupt me. It was made by a gentleman on that side of the House who is in favor of the bill.

Mr. CLAYTON. I would like to say—

Mr. MANN. I can not yield.

Mr. CLAYTON. What I may say, I hope, will not disconcert the gentleman.

Mr. MANN. I do not wish to give my time to the gentleman.

Mr. CLAYTON. I will give the gentleman a part of my time.

Mr. MANN. How much?

Mr. CLAYTON. I will give the gentleman as much of my time as I may occupy of his time.

Mr. MANN. There is no way to ascertain that.

Mr. CLAYTON. I want to say this, that I first objected and then withdrew my objection, and after I withdrew it the gentleman from Illinois [Mr. MANN] renewed it. If the gentleman insists on telling only part of the truth, I insist on telling the whole of it.

Mr. MANN. Mr. Speaker, I understand the situation. The gentleman from Alabama [Mr. CLAYTON] does not understand it. After the gentleman on that side of the House had made the point of no quorum and the Chairman had declared that

no quorum was in the Hall, then some gentleman asked that the roll call in progress should cease. But the Chair, having declared that no quorum was present, could not by unanimous consent then declare that a quorum was present. The Chair had made a declaration, and the Chair so stated.

Now, what is the proposition? Having agreed to three hours' debate, having provided a quorum on that side of the House and having provided for debate, the gentlemen now propose to take the bit in their teeth. Let me suggest to gentlemen an easier way to pass the bill than the way they now propose: Let the gentleman from Arkansas [Mr. Macon] demand recognition from the Chair and move to pass the bill, and when the point of order is overruled, appeal from the decision of the Chair and pass the bill without reading, without consideration. That would be no more revolutionary than the proposition now proposed by the gentleman, and it is much speedier.

This is a sample, let me say to this side of the House, and also to that side of the House—this is a sample, I suppose, of the parliamentary proceedings that we may expect when the next Congress meets.

A MEMBER. We will do business then.

Mr. MANN. A few days ago that side of the House reversed itself. Having declared last winter that a motion to change the rules was in order as a constitutional privilege, the other day it voted that it was not in order as a constitutional privilege, and now it again proposes to reverse itself. Precedent! What is precedent to a majority like that? What are parliamentary proceedings to these gentlemen? What are orderly proceedings to these gentlemen who propose now to overrule the Chair, knowing that the Chair is right and knowing that they are wrong? Let them go to the country on the proposition that they propose to run the proceedings of Congress without regard to order, without regard to rules. Let them do it effectively. They can pass the bill now, after overruling the Chair. Gentlemen, have the nerve to do the thing you determine to do in a nerve way.

Mr. HOBSON. Will the gentleman yield?

The SPEAKER pro tempore. Does the gentleman from Illinois yield to the gentleman from Alabama?

Mr. MANN. Yes.

Mr. HOBSON. Merely to ask which party is in the majority, and therefore responsible for legislation, at this time.

Mr. MANN. Now, Mr. Chairman, what are the facts? What has been done? The first reading of the bill was demanded. Do gentlemen want to say that in Congress a bill can not be read a first time? The first reading of the bill could have been concluded last night or yesterday afternoon easily, if the gentleman who now interrupts me and others had remained on the floor of the House.

I looked in vain for the gentleman from Alabama last evening, and his presence was not noted. Where were these gentlemen who claim that they want to proceed in an orderly method? Why were they not here? It only took 100 to maintain a quorum of the Committee of the Whole. Where was that hundred? Where were the men on that side of the House who claim that they want to pass the bill? It only took 100 to keep the committee going.

Mr. CARLIN. Where were they on your side of the House?

Mr. MANN. These gentlemen who will go home and tell how they fought and died in behalf of their constituents were away at supper, drinking wine, perhaps, or something else [cries of "Oh!"], having a good time, not at their post of duty on the floor of the House, not attempting to pass the bill. These Members were away, and now they complain because those who stay here wish to proceed in an orderly way.

I reserve the balance of my time.

Mr. HOBSON. Mr. Speaker, will the gentleman permit a correction? I simply wish to tell him that I was here last night, and remarked to the whip on our side that I would be here until a certain very hot place froze over, or as long as the gentlemen on the other side continued the tactics that I regard as so unworthy. [Applause.]

The SPEAKER pro tempore. Does the gentleman from Illinois yield?

Mr. MANN. Why, I yield; and if I had the time I would read the roll. I would read the call of the roll, and state how many times the gentleman had been absent on the call of the roll, and I dare him to do it. I reserve the balance of my time.

Mr. CLAYTON. Mr. Speaker—

The SPEAKER pro tempore. The gentleman from Alabama. Mr. SHACKLEFORD. I want to ask the gentleman from Illinois a question.

The SPEAKER pro tempore. The Chair has recognized the gentleman from Alabama.

Mr. SHACKLEFORD. I simply want to ask a question.

The SPEAKER pro tempore. Does the gentleman from Alabama yield?

Mr. CLAYTON. I yield for a question.

Mr. SHACKLEFORD. I ask the gentleman from Alabama whether this morning 15 or 20 Members did not arise in their places and challenge the correctness of the roll calls of yesterday and say that, although they sat here and answered to their names, they had not been properly recorded.

I know some others who are improperly recorded as being absent—Members who were here and answered to every roll call. The Chairman knows, if he has taken any notice of what has happened, that that Record does not recite the facts, and was not intended to do it.

SEVERAL MEMBERS. Oh, no!

Mr. CLAYTON. I think the statement of the gentleman from Missouri is correct.

Mr. SHACKLEFORD. It was the evident intention not to record them.

Mr. CLAYTON. The gentleman from Missouri consumed some of my time.

The SPEAKER pro tempore. The Chair will not charge the gentleman from Alabama with the time consumed by others to whom he had not yielded. The gentleman has 19 minutes remaining.

Mr. CLAYTON. Mr. Speaker, I think it but fair to the gentleman from Arkansas [Mr. MACON], inasmuch as the gentleman from Illinois has been severe in his strictures upon him, that I yield to the gentleman from Arkansas [Mr. MACON] three minutes at this juncture. [Applause.]

Mr. MACON. Mr. Speaker, I want to say, in reply to what the gentleman from Illinois has said in regard to my having obstructed the business of the House, that I have been in my seat since yesterday morning at 10 o'clock, with the exception of the recess hour. I have not taken up a single minute of time of the House, and hence I have not delayed it a single moment.

To-night, about half past 6, when the gentleman from Illinois was passing my seat, he remarked that he was going down to get lunch, and I remarked to him, "Then, I suppose you will not make a point of no quorum until some of the rest of us get something to eat." I myself have been here all day and responded to every roll call, and I have not been out of the House during the entire day, even to get a bite of something to eat. The gentleman from Illinois assured me that he would make the point of no quorum and would not wait until I could get something to eat, whereupon I remarked, "If you are going to make it as soon as I leave, I will make it now, so that you can not get your lunch." [Laughter and applause.]

Now, in reply to the criticisms that have been thrust at me because I made the point of order, I want to say that there were less than 50 Members in this House when I made it. If Members had been on the floor attending to their business as I was attending to mine, in my humble way, there would not have been any necessity for the point of order.

I want to say further, to those who have been thrusting criticisms at me, that I am in my seat when they are away, and when they say that I have delayed this House one single moment they tell something that is untrue. It was the absent Members that delayed the House, not myself, and they know it as well as they know anything. Because I sometimes balk their efforts to do things, when I think it is not proper for them to be done, they want to lay blame on me, when I am here attending to my duties while they are away frolicking around over town, attending dinners, suppers, and engaged in other social pleasures.

Mr. HEFLIN. Will the gentleman yield?

Mr. MACON. Yes.

Mr. HEFLIN. Is it not a fact that after the call had proceeded for a minute or two the gentleman from Arkansas asked unanimous consent to abandon the call.

Mr. MACON. Yes; and I want to say that that precedent has been established in this House by the Speaker himself. On one occasion—it happened on the Speaker's birthday—we had begun to call the roll, and the gentleman from Missouri [Mr. CLARK] called attention to the fact that it was the Speaker's birthday. There was at that time a filibuster on. I arose in my seat and asked unanimous consent that the order directing the roll call be vacated and that the House stand adjourned out of respect to the Speaker's birthday. That proposition was submitted to the House, and nobody objected, and we adjourned, despite what the gentleman from Illinois has stated about no such thing as that ever having been done. It has been done, and the gentleman from Illinois knows it, and if he was in his place at the time that precedent was established he would have seen it when it was established. Away with all such idle criticisms of Members of the House, who seek to shift their irre-

sponsibilities and dereliction of duty upon the shoulders of some one else! [Applause.]

Mr. CLAYTON. Mr. Speaker, I do not myself desire to contribute to this discussion anything of a personal nature other than that which may be absolutely necessary to state the case correctly to the House. It is evident, Mr. Speaker, and has been evident since noon yesterday, that a majority of this House desires to consider, desires to amend, and desires to pass this bill. It is incontrovertible that the majority of the membership here, irrespective of party division, desires to accomplish that end. But this House has stayed in session to accomplish that desire since 10 o'clock yesterday morning until now, nearly half past 10 to-night, with the slight recess noted in the Record.

So it is evident that the House has not been permitted to accomplish the desire of the Members of the House. Now, gentlemen talk about revolution. Who is it that is revolutionizing? The one man with a small coterie that will stand up here day after day and night after night and filibuster against accomplishing the will of the majority? Is he revolutionizing, or can it be said that those who want to bring the House to action to accomplish its will and its purpose are revolutionizing? [Applause.] Mr. Speaker, I have great respect for the legal rules and precedents; less respect, though considerable respect, for parliamentary rules and precedents.

No set of parliamentary rules can ever bind me to sit still and acquiesce in a small filibuster, inaugurated and carried on by one man, assisted by a few chosen lieutenants, less than a half dozen, for 48 hours or more. If it is revolution to overturn his filibuster, if it be revolution to enable this House to carry out its will and purpose, then I am for revolution, and the gentleman may make the most of it. That is the case before this House. Can it be that in this Republic of ours, in a free Republic, we are so bound down by parliamentary rules that it is in the power of one man to thwart the will of the majority? It is for this reason that I have offered this resolution, so that on Monday next your Committee on Rules may bring an appropriate special rule, providing for the consideration of this pending bill, under a continuing order, which continuing order shall by appropriate provision provide that the House shall come to a vote on the passage of the bill and all amendments thereto not later than 4 o'clock Tuesday next. That is the extent of the revolution with which the gentleman from Illinois compliments me.

I now yield five minutes to the gentleman from Virginia [Mr. CARLIN].

Mr. CARLIN. Mr. Speaker, I will yield back the time to the gentleman.

Mr. CLAYTON. I yield five minutes to the gentleman from Tennessee [Mr. SIMS].

Mr. SIMS. I desire only to ask a question. If the Committee on Rules reports the rule as ordered, then of course it is with the House whether they adopt it or not. If they do adopt it it will be enacted in order and if they fail to adopt it its failure will be orderly. Is that not true?

Mr. CLAYTON. I think that is correct.

Mr. BROUSSARD. Mr. Speaker, will the gentleman from Alabama permit me to ask him a question for information?

Mr. CLAYTON. Certainly.

Mr. BROUSSARD. Will the rule contemplated by the resolution of the gentleman from Alabama permit a vote on the French spoliation claims?

Mr. CLAYTON. Yes; that is one of the amendments that the committee has already reported, to strike out the French spoliation claims.

Mr. BROUSSARD. There will be an opportunity under that rule, if that is adopted, to vote on that proposition?

Mr. CLAYTON. That is my opinion.

Mr. BROUSSARD. Will the gentleman say whether the Committee on Rules will give it the construction that the gentleman is now giving as his opinion?

Mr. CLAYTON. Mr. Speaker, in reply to the gentleman, in all frankness, I can not say more than I have already said, that under this resolution, I think, the committee is bound to report a rule that will provide for that and will also provide for the amendment of the gentleman from New York [Mr. LAW], which proposes to add to this bill the war-claims measure. It is drawn in the usual form, and this contemplates that a rule shall be reported for the consideration of the bill and all amendments thereto that may be offered, and that after the matter has been considered the House shall vote upon the passage of the bill and all amendments thereto not later than 4 o'clock Tuesday next.

Mr. BROUSSARD. I want to say this to the gentleman—not to interrupt him—that I wanted his construction of the resolu-

tion as a guidance to the Committee on Rules, because I should like to have an opportunity of voting on that proposition.

Mr. CLAYTON. I have tried to give the gentleman the construction I believe it bears.

Mr. CANDLER. May I say to the gentleman that the pending amendment now before the House is the committee amendment, recommending that the French spoliation claims be struck out, and hence it would be a question that would be considered.

Mr. CLAYTON. Mr. Speaker, how much time have I remaining?

The SPEAKER pro tempore. The gentleman has 10 minutes remaining.

Mr. CLAYTON. I reserve the remainder of my time and ask the gentleman from Illinois to consume some of his time.

Mr. MANN. Mr. Speaker, I just want to say, in the first place, that I did not criticize the gentleman from Arkansas [Mr. MAON] for making the point of order, nor was the gentleman from Arkansas correct in his conclusion when he referred to the incident which took place once before, about suspending a roll call. That was where the House had a quorum present. It is not within the power of the Chair, when a quorum has been declared not to be present, to reverse that declaration until a quorum has appeared.

That may seem strange to the gentlemen who are studying parliamentary law on that side of the House, but they will discover that in the next House, in all probability. Some of them, I know, like my distinguished friend from New York [Mr. FITZGERALD], is perfectly well aware of that fact; others will learn it. [Laughter.] It is not a bad thing, I take it, to have conducted for the other side of the House a parliamentary school during the last 48 hours for the benefit of that side of the House. A moment ago the gentleman from Alabama [Mr. CLAYTON] introduced a resolution taking an appeal from the decision of the Chair, and in order to prevent debate moved the previous question. Of course anyone might have made the motion to lay it on the table, and that would have prevented debate, but my distinguished friend from Alabama, who is still studying the rules and may acquire in the course of time some knowledge of them, believed that a motion for the previous question would prevent debate, and not being familiar with the fact even that if he had discussed that motion in two sentences he could then have moved the previous question and cut off debate, but not being familiar with that fact [laughter], in order to prevent debate he moved the previous question in such a way as to give debate. [Laughter and applause on the Republican side.]

The knowledge of that fact is worth something to that side of the House, and instead of criticizing me they ought to give me a vote of thanks in helping them to learn something about the rules. [Laughter on the Republican side.] And yet I am not sure that they need any knowledge of the rules, because it is quite evident that they intend when they come into power to dispense not only with a knowledge of the rules but with orderly procedure under rules. They are in possession of the House at present; they are not willing to stay here except occasionally to get on roll calls, and then as a rule hustle out to something else, but they are in fact in control at present, and I repeat that if I were in their position and determined to override the Chair in a righteous decision and to pass a bill, as they propose, without regard to debate or proper amendment, I would move to pass the bill with such amendments as I desired, and if the Chair held that motion was not in order I would appeal from the decision of the Chair, and by the same brute force and lack of intelligence they now propose to overrule the Chair, I would overrule the Chair on that motion and pass the bill. [Laughter on the Republican side.]

The gentlemen will find, if anybody chooses to test it, that the rule which they order under this resolution will not permit them to vote on that which they want to vote on. They will have to get my friend from New York [Mr. FITZGERALD], who does know the rules, to prepare a rule which will permit them to do what they want to do, although I am not at all certain he can do that within the time they have allotted; and it is very likely they can not accomplish what the gentleman from Alabama has stated they desire to accomplish under the rule which the gentleman proposes, and that will be an occasion for teaching more parliamentary law, which may be of advantage to them in the next House. [Applause on the Republican side.]

The SPEAKER pro tempore. The question is, Shall the decision of the Chair stand as the decision of the House?

Mr. CLAYTON. Mr. Speaker, just a word. The gentleman from Illinois does me credit overmuch when he attributes to me as having said that debate could not be had because the

previous question was ordered. It was the gentleman from Virginia [Mr. CARLIN] who made the suggestion.

Mr. MANN. I did not credit it to the gentleman, and I did not say anybody said that. I do not wish to do any discredit to the gentleman.

Mr. CLAYTON. But, Mr. Speaker, modesty compels me to say, and the truth as well, that I am not an expert parliamentarian. If I knew as much about parliamentary law, and as much about all other subjects, as the distinguished gentleman from Illinois thinks he knows, the service here in the House would not be the measure of my ambition. [Laughter and applause.] I have never heard, Mr. Speaker, such arrogance displayed and such egotism manifested on the part of any one man during 14 years of service as we have had exhibited to us tonight by the extremely modest gentleman from Illinois. [Laughter and applause.]

If modesty be a virtue that we commend to the good women of the land, let us point to the distinguished gentleman from Illinois as a conspicuous example of modesty worthy of the imitation of all good women and men.

Now, Mr. Speaker, I am trying in the best way I can to enable the House to execute the will of the majority, and the gentleman can not with all of his coarse characterization of the conduct that led to the offering of this resolution and the conduct which has characterized me in offering it, divert attention from the fact that stands up like the walls of the Rock of Gibraltar against all the waves that may dash upon it, and that is that for 48 hours he has conducted an inexcusable filibuster here against the payment of just claims that the President has said ought to be paid, and that by that filibuster he has thwarted the sovereign, and I say that it ought to be the sovereign, will of a majority of this House.

I yield two minutes to my colleague [Mr. HOBSON].

Mr. CULLOP. Mr. Speaker, I desire to ask the gentleman from Alabama [Mr. CLAYTON] a question. This resolution does not provide at what time the committee, if it is adopted, shall report. It provides only for a report on Monday. The Committee on Rules may not report under this resolution until the hour of adjournment on Monday. Ought it not to be amended in that respect?

Mr. CLAYTON. I can not assume that the committee would do that.

Mr. FITZGERALD. Let me say to the gentleman from Indiana that the Committee on Rules can not report on Monday at all.

Mr. CULLOP. Now, I desire to ask the gentleman from Alabama [Mr. CLAYTON] one other question. The Law amendment has not yet been offered, and it is not before the House. Would not the adoption of this resolution, if the rule is brought in in accordance with it, prevent a vote on the Law amendment if it was offered, and would it not be out of order if a point of order was raised against it?

Mr. CLAYTON. It is my opinion, and the opinion of such parliamentarians as I could discuss the question with here to-night, that the Law amendment and all other amendments can be considered and will be considered under the rule if the committee reports it in accordance with the resolution.

Mr. CULLOP. I desire to ask you one other question, and that will be all: Can other amendments than the one known as the Law amendment be offered under this resolution?

Mr. CLAYTON. I take it that any amendment under the appropriate rule can be offered when the House comes into consideration of the bill. It will be in order to amend the bill when the bill comes up for consideration.

Mr. CULLOP. By anyone who desires to offer it?

Mr. CLAYTON. I take it to be that, and that was my purpose.

Now, Mr. Speaker, how much time have I remaining?

The SPEAKER pro tempore. The gentleman has four minutes remaining.

Mr. MANN. Mr. Speaker, how much time have I remaining?

The SPEAKER pro tempore. The gentleman from Illinois has eight minutes remaining, and the gentleman from Alabama [Mr. CLAYTON] four minutes remaining.

Mr. MANN. I just want to call attention to another peculiar situation, Mr. Speaker.

Mr. HOBSON. Mr. Speaker, will the gentleman from Illinois [Mr. MANN] permit? Does the gentleman reserve his time? I did not hear him.

Mr. MANN. It is not necessary to reserve 20 minutes of time. That goes without saying. Now, Mr. Speaker, I just want to call attention to the fact that Monday is suspension day, unanimous-consent day, and committee-discharge day. Only a short time ago that side of the House, with some gentle-

men on this side of the House, voted that no business was in order after unanimous consent on Monday, except when a demand was made for it, or a motion to discharge a committee, and ruled that the Chair could not entertain even a report from the Committee on Rules.

But I suppose that, having decided to reverse themselves two or three times in one year on one question, it will not bother them at all to reverse themselves on that question. Unless they do, although the Committee on Rules should be ordered to bring in a resolution, it would not be in order to present it on Monday as against my motion to discharge the Committee on the Post Office and Post Roads from the further consideration of that great bill to codify the postal code. [Laughter.] I wonder if the gentlemen have forgotten that they made a ruling on that point. Is there no consistency on that side of the House? Is there no intention to maintain their position a week, or a month, without reversing themselves? Have gentlemen no conscience about voting to-day that a thing is in order, and to-morrow that, under the same conditions, the thing is not in order? I leave it to them, reminding them that, after all, "chickens come home to roost." [Cries of "Vote!" "Vote!"]

Mr. CLAYTON. Mr. Speaker, how much time have I remaining?

The SPEAKER pro tempore. The gentleman has four minutes remaining.

Mr. CARLIN. How much time has the gentleman on the other side?

Mr. MANN. Unless some gentleman over there desires time, I shall not use the balance.

Mr. CARLIN. I think you have used your time.

Mr. MANN. No.

Mr. CLAYTON. Does the gentleman desire to use the balance of his time?

Mr. MANN. I am perfectly willing to say that I think the gentleman is entitled to close the debate on that side.

Mr. CLAYTON. I will say in all frankness to the gentleman that I do not intend at this time to make any further observations myself.

Mr. MANN. I mean, on that side you are entitled to close the debate.

Mr. CLAYTON. I reserve the right to do so, however, and, Mr. Speaker, I now yield two minutes of my four minutes to the gentleman from Alabama [Mr. Hobson].

Mr. HOBSON. Mr. Speaker, I am a simple sailor. I have two thoughts. One is that the Government ought to set an example of rectitude and business ethics to its citizens, and that just claims, such as are contained in this bill, should be considered without further delay; and the other is that we are the guardians in a most responsible sense of the Nation's honor, and that it has fared very poorly, in my judgment, at the hands of the gentleman who has led the obstruction.

It reminds me of the condition that sometimes arises in the naval service by the presence of what we call a "sea lawyer," who thinks he knows it all. [Laughter.] There is nothing left from the beginning of the books to the end. He keeps on insisting on his rights under the regulations, and he goes beyond the regulations to the statutes, and then he goes beyond the statutes to the Constitution of the United States. [Laughter.] He knows it all, and in trying to sit there and split hairs on some petty little question of regulations he will thwart, or try to thwart, the great purposes for which the Navy exists.

I see his analogue here in this House. That "sea lawyer" is a very valuable man at certain times, but at other times he is the greatest nuisance we have in the Navy. [Laughter and applause.] And I will tell you the ultimate fate of every "sea lawyer" I ever knew: He kept on his lawing on the sea until at last he was thrown overboard and sank to the bottom of the sea. [Laughter and applause.]

Mr. CLAYTON. Now, Mr. Speaker, unless the gentleman desires to occupy further time I do not.

Mr. MANN. I do not care to.

Mr. CLAYTON. And I desire, Mr. Speaker, that the matter may come to a vote.

The SPEAKER pro tempore. The question is, Shall the decision of the Chair stand as the judgment of the House?

Mr. MANN. Mr. Speaker, I demand the yeas and nays.

The yeas and nays were ordered.

Mr. BARTLETT of Georgia rose.

The SPEAKER pro tempore. For what purpose does the gentleman rise?

Mr. BARTLETT of Georgia. I desire to have the resolution read. There are a number of Members who did not hear it.

The SPEAKER pro tempore. The question is, Shall the decision of the Chair stand as the judgment of the House? The Clerk will call the roll.

The question was taken; and there were—yeas 125, nays 51, answered "present" 23, not voting 185, as follows:

YEAS—125.

| | | | |
|----------------|------------------|-----------------|----------------|
| Adair | Driscoll, M. E. | Kitchin | Padgett |
| Alexander, Mo. | Durey | Kopp | Page |
| Anthony | Dwight | Korbly | Parsons |
| Ashbrook | Englebright | Kustermann | Pickett |
| Barchfeld | Esch | Langham | Pratt |
| Barnard | Ferris | Law | Pray |
| Barnhart | Fitzgerald | Lawrence | Prince |
| Bartlett, Ga. | Flood, Va. | Lenroot | Reeder |
| Beall, Tex. | Focht | Lever | Saunders |
| Bennet, N. Y. | Foster, Ill. | Lindbergh | Shackelford |
| Broussard | Gardner, Mass. | Lloyd | Sharp |
| Burke, S. Dak. | Garrett | McCredie | Shelfield |
| Butler | Gillespie | McKinlay, Cal. | Sheppard |
| Calder | Glass | McLachlan, Cal. | Simmons |
| Campbell | Goebel | Macon | Snapp |
| Carter | Graft | Madison | Stafford |
| Cary | Graham, Ill. | Maguire, Nebr. | Steenerson |
| Chapman | Grant | Mann | Sterling |
| Cole | Greene | Martin, S. Dak. | Stevens, Minn. |
| Collier | Guernsey | Massey | Sullivan |
| Cooper, Wis. | Hammond | Miller, Kans. | Swasey |
| Cowles | Hawley | Mitchell | Thistlewood |
| Cox, Ind. | Henry, Tex. | Mondell | Tilson |
| Creager | Hill | Morgan, Okla. | Tou Velle |
| Cullop | Hollingsworth | Morrison | Turnbull |
| Currier | Howell, Utah | Morse | Volstead |
| Davidson | Howland | Moss | Vreeland |
| Davis | Hubbard, Iowa | Needham | Weisse |
| Denver | Hughes, N. J. | Nicholls | Woods, Iowa |
| Diekema | Humphreys, Miss. | Norris | |
| Dixon, Ind. | Jamieson | O'Connell | |
| Dodds | Jones | Olcott | |

NAYS—51.

| | | | |
|----------------|----------------|---------------|----------------|
| Adamson | Clark, Fla. | Hardy | Richardson |
| Alken | Clayton | Heflin | Robinson |
| Anderson | Dent | Helm | Rucker, Mo. |
| Austin | Dickinson | Hobson | Sherwood |
| Bartlett, Nev. | Dickson, Miss. | Houston | Sims |
| Bell, Ga. | Edwards, Ga. | Hughes, Ga. | Sisson |
| Borland | Ellerbe | Lee | Spight |
| Burgess | Estopinal | Legare | Stephens, Tex. |
| Burgett | Finley | Lively | Thomas, Ky. |
| Byrns | Floyd, Ark. | Martin, Colo. | Thomas, N. C. |
| Candler | Godwin | Mays | Underwood |
| Cantrill | Gordon | Oldfield | Wickliffe |
| Carlin | Hamlin | Pujo | |

ANSWERED "PRESENT"—23.

| | | | |
|------------|--------------|---------------|---------------|
| Boehne | Edwards, Ky. | McHenry | Small |
| Booher | Fordney | Moon, Tenn. | Taylor, Colo. |
| Brantley | Hay | Morgan, Mo. | Watkins |
| Calderhead | Hull, Tenn. | Rainey | Webb |
| Cline | Lamb | Randell, Tex. | Young, N. Y. |
| Draper | Langley | Rothermel | |

NOT VOTING—185.

| | | | |
|------------------|-----------------|-------------------|---------------|
| Alexander, N. Y. | Fuller | Kennedy, Ohio | Poindexter |
| Allen | Gaines | Kinkaid, Nebr. | Pou |
| Ames | Gallagher | Kinkaid, N. J. | Ransdell, La. |
| Andrus | Gardner, Mich. | Knapp | Rauch |
| Ansberry | Gardner, N. J. | Knowland | Reid |
| Barclay | Garner, Pa. | Kronmiller | Rhinock |
| Bartholdt | Garner, Tex. | Lafan | Riordan |
| Bates | Gill, Md. | Latta | Roberts |
| Bennett, Ky. | Gill, Mo. | Lindsay | Roddenberry |
| Bingham | Gillett | Livingston | Rodenberg |
| Boutell | Goldfogle | Longworth | Rucker, Colo. |
| Bowers | Good | Loud | Sabath |
| Bradley | Goulden | Loudenslager | Scott |
| Burke, Pa. | Graham, Pa. | Lowden | Sherley |
| Burleigh | Gregg | McCall | Slayden |
| Burleson | Griest | McCreary | Slemp |
| Byrd | Hamer | McDermott | Smith, Cal. |
| Capron | Hamill | McGuire, Okla. | Smith, Iowa |
| Cassidy | Hamilton | McKinley, Ill. | Smith, Mich. |
| Clark, Mo. | Hanna | McKinney | Smith, Tex. |
| Cocks, N. Y. | Hardwick | McLaughlin, Mich. | Southwick |
| Conry | Harrison | McMorran | Sparkman |
| Cooper, Pa. | Haugen | Madden | Sperry |
| Coudrey | Havens | Malby | Stainley |
| Covington | Hayes | Maynard | Sturgiss |
| Cox, Ohio | Heald | Miller, Minn. | Sulzer |
| Craig | Higgins | Millington | Talbot |
| Cravens | Hinshaw | Moon, Pa. | Tawney |
| Crow | Hitchcock | Moore, Pa. | Taylor, Ala. |
| Crumpacker | Howard | Moore, Tex. | Taylor, Ohio |
| Dalzell | Howell, N. J. | Morehead | Thomas, Ohio |
| Dawson | Hubbard, W. Va. | Moxley | Townsend |
| Denby | Huff | Mudd | Wallace |
| Dies | Hughes, W. Va. | Murdock | Wanger |
| Douglas | Hull, Iowa | Murphy | Washburn |
| Driscoll, D. A. | Humphrey, Wash. | Nelson | Weeks |
| Dupre | James | Nye | Wheeler |
| Ellis | Johnson, Ky. | Olmosted | Wiley |
| Elvins | Johnson, Ohio | Palmer, A. M. | Willett |
| Fairchild | Johnson, S. C. | Palmer, H. W. | Wilson, Ill. |
| Fassett | Joyce | Parker | Wilson, Pa. |
| Fish | Kahn | Patterson | Wood, N. J. |
| Foelker | Kelifer | Payne | Woodyard |
| Fornes | Kelher | Pearre | Young, Mich. |
| Foss | Kendall | Peters | |
| Foster, Vt. | Kennedy, Iowa | Plumley | |
| Fowler | | | |

So the decision of the Chair was sustained.

The Clerk announced the following additional pairs:

Until further notice:

Mr. MALBY with Mr. WATKINS.

Mr. DOUGLAS with Mr. HULL of Tennessee.

Mr. TAWNEY with Mr. CLARK of Missouri.

Mr. McKINLEY of Illinois with Mr. HAY.

The result of the vote was announced as above recorded.